App. F. IX-4

1932 (Law)

File No. 41-32

Serial Nos. 3-23

Previous References
Law 143-31-1-2
41-32-1-2
84-357(1-7+12).

Later References.
Law. 18-39 (4, 13)
Law " (P no 5326)
Law 31-141 (29-30)
Law 414-50-(1)
LAW dep 235 (57-58)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Twenty-one

Part B for Any 84

SUBJECT.

Re. Amendment proposed by the Registrar Hcl. to Civil Rule of Practice no. 91 of 2.8.1897.

23)

From Registrar Hcl—

WD 01965—GPB—15,000—[illegible]-34

No. P 1014 of 22.8.34

Affirmes.

M. Abdul Aziz
4.9.34.

Serial No.

From,

Mr. N. Sesha Sastry. Advocate, Shimoga

1. No. nil dated 3rd Oct 1932 submitting his further representation re: his remuneration in certain land acqn Cases and stating that he is willing to accept half the fees claimed in each Case if the Govt be pleased to so order.

The D. C. Shimoga.

2. No. AS. C. 589/31-32 dated 7th Oct 1932 forwarding for Sanction 4 bills of Mr. B. Krishna Rao in certain land acqn Cases together with the Connected bills of Mr. N. Sesha Sastri as Ex-Pr.

1) All the 4 Cases noted in the P.M. D II are reported to have been disposed of. Both Messrs. B. Krishna Rao, the present Pr and N. Sesha Sastry, have appeared in all the Cases up to several stgs as noted in the order Sheet, and claim the Schedule rate of fees Calculated according to the value of the Suit. The D.C. Shimoga has recommended the following fees, as per Statement enclosed.

Case no.	Amount claimed by each of them	Amount recommended to	
		Mr. N. S. Sastry	Mr. B. Krishna Rao
Mis 10/1926 (Hanumanthappa vs A.A. Off:)	Rs 66/-	1. 40-00	26-00
Mis 1/28-29 (United Steel Co vs A.A. Off:)	" 45-00	" 20-00	25-00
Mis 9/28-29 (Chennama vs ")	" 7-8-0	7-8-0	-
Mis 60/29-30 (H. S. Rao vs ")	" 95-00 vs (92-00) B.K.	25-00	70-00
		92-8-0	121-0-0

NOTE—Contn. Sheet.

the proposed fee may perhaps be sanctioned requiring the D.C. Shimoga to point out the source.

2) As regards the representation of Mr. Sastry P.W.D I: reference is invited to para 10-14 in Law file 41-32. He now contends that he is prepared to accept half the fee claimed in each of the pending Cases. Even this is not admissible under rule 56 cl(3) of the legal affairs rule Subj for orders.

JSD info.

3) In the four cases disposed of, the fee may be sanctioned as recommended by the D.C. Shimoga. The apportionment he has made is fair and reasonable. A

ii) As regards P.W.D I, the interpretation put upon by Mr Seshasastri on rule 56 cl (2)(b) is no doubt a possible interpretation. The practice however has been to award usually the fee actually assessed by the Court, and it is therefore that bills for fees are received only after the Cases are disposed of.

b) Again Mr. Seshasastri assumes that rates of costs assessable by the Court in land Acqn cases are the same as in ordinary civil suits. Generally the practice in costs

Serial No.

is to assess the pleader's fee even in L. A. cases on the ad valorem basis - But this practice is not governed by rules as in the case of suits - rules framed by the High Court under the Legal Practitioner's Regulation -

6) The fact that in a suit, the plaintiff has to pay stamps before he puts in a value for his suit, necessarily checks exorbitant values being put in - There is no similar check in L. A. cases. The claimant can put in any value he likes and it is only under certain conditions mentioned in sec 27 of the L. A. dept that he is made to pay a penalty for ~~such~~ extravagant claims - It was on this account that it was suggested that the ad valorem basis may not be suitable for these land acqn Cases -

7) Now that Mr. Commissioner is willing to accept half the fee claimed in each case, ~~to abide as precedent cases~~ the D. C's of Shimoga and Kadur may perhaps be requested to submit his bills in pending cases also for consideration and orders -

2nd member) BNP 14/10

8) A. B. I agree 16.10.31

RR (7) (8)

9) Issue as revised BNP 18 Dft BNP 17.10

OFFICE ... 1 OCT No. 3911

B

NOTE—Contn. Sheet.

WD 70—GBPM—60,000—13-8-31

207/4

File No. of 193 | General and Revenue Secretariat

10) Dft G.O. and a letter to the DC Kadur as per margin - for approval

ISD 18/10

Issue as revised (SD) M.G. 18/10/32

TYPING SECTION * 18. OCT. 1932 * GENL. & REV. SECTT.

To

The D.C. Shimoga

" Comptroller

Mr. N. Subba Sastri

G.O. no. P. 220305 Law 41-32-5 dated 20.10.32 sanctioning the fee to each of the Advocates Messrs. N. Subbasastri, and B. Krishna Rao in certain land acqn cases on the file of the Dist. Judge. Shimoga.

D.C. Kadur & Shimoga

Calling for the bill of Mr. N. Subbasastri in several pending cases.

See A

ISD 24/10/32

From,

The PPr. Shimoga

no. 152 dated 22nd Oct 1932 stating that the amount of fees awarded by the Court in the land acqn cases appeals no basis to determine the fees due to the pleaders and requesting that in the circumstances pointed out to settle the fee on the principle of advalorem

11) In par 5 of the P.W.D. Secy of the

Serial No.

Land. acqn. Cases as said to have been disposed of recently. The Connected file of Messrs. Krishna Rao and Shastri may perhaps be awaited

ISD 25/10.

2) Submitted for perusal of the P.W.D. The PPr, Shimoga is under a misapprehension. What was indicated in this office letter P1668 of 19.9.32 is that ordinarily the fee payable is determined by the assessment made by Court. The PPr frames that this leads to absurdity (Vide 'A' marked in the P.W.D). Even in a decree passed wholly in favour of the plaintiff, the Advocate's fee to the defendant is assessed by the Court in the decree though the decree directs the defendant to pay the costs of the plaintiff. The award of costs is quite different from the assessment of fee.

3) No orders of govt are however called for in the matter. The bills after they are received will be disposed of in due course.

2nd member) MNJ 25/10.

by order

[signature]

* Vide for an example, flag 'V' in the linked file MNJ 4/10.

[illegible] 332 No. 3342

NOTE—Contn. Sheet.

6

2539
2370
1014.

File No. of 193 ?

General and Revenue Secretariat

From,

The D.C. Shimoga.

No. As. e. 589/31-32 dated 22nd Oct 1932 re-submitting revised bill of Mr. N. Sshastry in certain land acqn Cases and stating that according to the apportionment made by him, Mr. Sshastry will not be entitled to ½ the fee.

Refs Para 7 supra. Out of 11 Cases in which Mr. Sshastri's bills have been received, 3 of them noted in margin in red ink are said to have been disposed of recently (vide PPr's letter dated 22nd Oct 1932, para 5).

The remuneration apportioned by the D.C. exceeds ½ the fee claimed in the marginally noted Cases. The apportionment is said to have been made according to the work turned out by each of the advocates. It is pointed out that Mr. Sshastri will not be entitled to ½ the fees due as per apportionment proposed.

Subn for orders

1SD 31/10.

Order Sheets in all the Cases have been examined and a revised statement of apportionment is put up

1SD 2/11 19

(1) The work done by each has been noted from the order sheets & a revised statement put up. Nos. 1, 3, 4, 7 & 10 are in accordance with the D.C's recommendations.

(1) From the D.C. Shim No. As. e. 589/31-32 dated 22nd Oct 1932 forwarding 3 bills of the PPr. Shimoga in certain L.A. cases.

Bills received. Vide P.W.D. II.

* Vide Sls 2, 9, & 10 of the Statement '2'

'2'

Please Group
MG
31/10

Serial No.

In other cases no view of the work that still remains to be done, a portion of the remuneration is allowed to the present public Prosecutor.

The apportionment as fixed by the Govt may be sanctioned

Yours

I Member

GENERAL SECRETARY'S
28 NOV. 1932
No.
OFFICE OF THE
FILE
1932
No. 4762

TYPING SECTION
15 DEC. 1932
GEN'L. & REV. SECT.

To,

The D.C. Shimoga

" Comptroller to Govt

Mr. N. Sesha Sastry

G.O. no. P. 3315-17 Law 41-32-10 dated 16.12.32—Sanctioning fees to the Pbr. Shimoga & Mr. N. Sesha Sastri in certain land. acqn. Cases on the file of the Dist. Judge. Shimoga.

NOTE—Contn. Sheet.

WD 70—GBPM—60,000—13-8-31

8

2704

Law File No. 41 of 1932 — General and Revenue Secretariat

From,

The D. C. Kadur

No. A7-1799-32/55 dated 10th nov 1932 forwarding several bills of Mr. V. Shastri and the Pbr. Shimoga for remuneration in certain Land acqn. Cases on the file of the Dist. Judge. Shimoga and recommending that ¼ fee to Mr. Shastri in Cases where little no work has been done and ⅓ in Cases where some work has been done will be a fair apportionment

1) The D.C. has forwarded the bills in several pending Cases in accordance with para 7 supra. Out of 7 Cases 3 of them are reported to have been since disposed of, and the Pbr. Shimoga has also subd. his bill for the work done in these Cases. The work turned out by Mr. V.S. is noted in D.C.'s letter dated 14th March 1932. It is recommended that Mr. V. Shastri may be paid ¼ of the fee where little or no work has been done and ⅓ in Cases where some work has been done. ~~A proportionate fee according to the Rules~~ The amount claimed by each of the Advocates differs: For ex: In Misc 85 /1931 Mr. V.S. claims a fee of Rs 392-00, and the Pbr claims a fee of Rs 615/-. Correct valuation of the suit in each Case is not known. As such the D.C. may be requested to send up a statement of apportionment of fees. Dft Rule nisi for appl.

ISD 21/12

TYPING 22 DE 32

4782

[App. F. III—2

General and Revenue Secretariat | Law File No. 41 of 1932.

Serial No.

To,

The D.C. Kadur

no. P. 3557 dated 26.12.32 Calling for a statement of apportionment of fees between the 2 advocates.

From.

The D.C. Shimoga

no. A.C. 589/31-32 dated 3rd March 1933 forwarding a bill for Rs 413/- of the Pbr. Shimoga being his remuneration for professional services rendered in Cis 27/30-31 on the file of the Dist. Ct. Shimoga, and recommending in the circumstances stated to sanction Rs 373/- to the Pbr and Rs 40/- to the V. Sahasaylig.

Sen A
ISD 7/3/33

B) Said reference is invited to the * Sl. 10 of the annexed list of apportionment of fees to G.O. dated 6th Dec'32. According to the total amount of fees claimed the a Sum of Rs 100/- was sanctioned to the V. Sahasaylig and Rs 165/- to the Pbr. Shimoga. Nor the Pbr. claims a higher rate of fees under the circumstances stated in the P.W.D. A certified c/s of the memo of Costs allowed may be called for.

ISD 8/3

Dft accordingly
MP
8/3

A) Dft Put up

ISD. 8/3

Issue —
MP 8/3

Issued no. P. 4929 dated 11.3.33

Sen A 13/3/33

NOTE—Contn. Sheet.

WD 70—GBPM—60,000—13-8-31

60 5643

Law File No. 41 of 1932. | General and Revenue Secretariat

From,

The D.C. Shimoga

No. 589/31-32 dt. 21.4.32. forwarding a Cpy. of the memo of Costs showing the fee awarded by the Dt. Judge in Mis 17/30-31.

Reference para 18 Supra.

The Pltr. Shimoga claims an enhanced fee of Rs 413/- Calculated on the ad-valorem basis on the difference between the amount deposited in the Court as claimed by the party and the amount awarded by the L.A. officer (Rs 8252-6-0 as reported in the bill). It is curious to see that the Court has awarded a sum of Rs 7 only as advocate's fee. A fee of Rs 165/- is already sanctioned to the Pltr. in the Case.

Pltr's letter addressed to the DC Shimoga will explain the circumstances under which a higher fee is claimed.

Submitted for orders.

15/5

2) The Pltr contends that fees in Land Acqn cases are not assessed by the Court on the ad valorem basis. The practice in Bangalore, as far as is known, appears quite the contrary. There is no doubt no definite rule governing the point as has already been pointed out in para 5 Supra - But it is not clear

Serial No.

why practice in Shimoga should differ to orders from that prevailing in Bangalore. The High Court will be addressed as to the need for having a uniform rule governing all such cases.

Submitted for orders.

First Member) mp 1/5/33

2) Please send back the Sec's file 3/5/33

3) In the case now submitted, viz Mis 27 of 30-31, the amount involved in dispute in the Land Acqn case was Rs 8252-6-0. Calculated on the advalorem basis the advocate's fee comes to only Rs 315-0-0. In G.O of 16th Dec 1932, a fee of Rs 205 has been sanctioned, Mr Seshasastri getting Rs 40 and Mr B. Krishnarao Rs 165/-. Mr Krishnarao now claims an enhanced fee of Rs 413 & he calculates this at 5% on the full amount of Rs 8252-6-0. This is not right even if the advalorem basis is adopted, for the rate of 5% is only up to Rs 5000/-. For amounts exceeding it is only 2% according to rules.

4) The fee assessed by the Court is however only Rs 7/-: and this is said to be on account of the practice in Shimoga being to treat land acqn Cases as miscellaneous proceedings even for purposes of assessing costs. If Govt were

5% of 5000 is 250-0-0
2% of 3252 is 65-0-0
Rs 315-0-0.

P.S. Please see P 4/5

Fi. OFF. 2 MAY 1933 No. 9136

NOTE—Contn. Sheet.

WD 0246 —GPB—15,000—22-8-32

to the PPs
to pay according to the ad valorem basis and to
receive in return in the form of costs only Rs 7/-,
they will have to bear heavy expenses for
no fault of theirs. Under the Legal affairs Rules,
~~require the payment to the PPs to be made~~
~~in accordance with~~ is only entitled to the
maximum fee assessable under the rules
of the Court. He cannot therefore be entitled
to more than Rs 7/- in this case.

(v) The practice both in Bangalore & Nepal
is for the Courts to assess costs even in
Land acqn cases on the ad valorem basis
& Govt pay their lawyers also on the same basis.
This is because under the K.A. Regn, the
proceedings follow the procedure of civil suits
and Sec 27 of the K.A. Regn indicates that
costs also are to be similarly assessed.

(vi) If the decision in the present case
in Shimoga had come to the notice of Govt
in time, the High Court could have been
moved by way of appeal or revision to
direct the Shimoga Court to revise the
assessment on the advalorem basis. It is
now too late to adopt this procedure & the
decision of the Shimoga Court so far as this
case is concerned has to be accepted.

(vii) In view of these circumstances,
the PPs's claim for higher fee than those
already sanctioned has to refused. It is

I agree
VTN

Serial No.

reported by the D.C. Shimoga that the fee already sanctioned in this case have not been disbursed & it is for orders whether the sanction accorded may be withdrawn & the D.C directed to pay only a fee of Rs 7/- to the PBr, as assessed by the Court.

29) Perhaps this is not necessary Ltm

GENERAL SECRETARIAT 8 MAY 1933 No.

30) The PBr will also be instructed, if approved, to move the D.C. Shimoga in any similar case which may arise hereafter to assess the fee on the advalorem basis & if a decision against him is given to report the matter in time to move the High Court according to law.

31) This may be done Ltm

32) In the meanwhile the difference that exists in the practice prevailing in Shimoga & Bangalore may be brought to the notice of the High Court on the administrative side. A draft is put up for consideration.

Gen Secy) DNP 6/5/33

33) Draft may be appd. Ltm

34) Vide marginal note above Ltm 4/5

I) Done

35) Represent the Rec's by (4.5.33) DNP 11.5.33

RECEIVED IN THE OFFICE OF THE MYSORE GOVT 12 MAY 1933 No. 9444

12 MAY 1933

NOTE—South Street

36) Issue a reminder with necessary DFF. DNP 12/5 Ltm 12/5

WD 0216—GPB—15,000—22-8-32

File No. of 193 | General and Revenue Secretariat

To,

The Reg: H.Ct.

No:P. 5941 dated 15th May '33; enquiring whether it is not ~~practicable~~ desirable to have a uniform practice in all the 3 divisions in the matter of advocate's fee in land acquisition proceedings.

37) Re Subj: with a ref: with reference to para 20 supra.

ISD 16/5

Issue 12/5/33 16/5

To.

The DC Shimoga

No:P. 6031 dated 19.5.33 informing that first regret to sanction the higher fee claimed by the PBr. Shimoga

Copy to the PBr Shimoga

See A to await reply from the H.Ct. 22/5/33

15

6546

General and Revenue Secretariat | Law File No. 41 of 1932. | [App. F. III—2

Serial No.

From,

The D.C. Shimoga

No. ASC. 58/31-32 dated 14th June 1933 forwarding a bill for Rs 191-0-0 of the Pbr. Shimoga being his fee for services rendered in Cis 36/30-31 on the file of the Dr. Judge Shimoga and stating that a fee of Rs 15/- is already sanctioned and the Court has awarded a sum of Rs 50/- sanctioned in G.O. dated 16.12.32, and recommending in the circumstances stated that the balance of Rs 45/- may be ordered to be paid to Mr. Krishna Rao.

36) The Pbr. Shimoga claims a fee of Rs 191/- on an advalorem basis of 5% on Rs 3821-14-0 being the difference between the amount claimed in Court and that awarded by the L.A. officer in Cis 36/30-31 on the file of the Dr. Judge Shimoga. According to the orders of Govt the Court has awarded a sum of Rs 50/- as advocate's fee G.O. dated 16th Dec 1932 directs the payment of Rs 15/- to the Pbr. and Rs 5/- to Mr. Shastri. But the Case was still pending when the fee was apportioned between the 2 Advocates according to the nature of the work turned out by each of them with reference to the order sheets. Extra expenditure has to be incurred if anything more than Rs 50/- is to be paid towards remuneration. The D.C. hereby recommends the ~~bad~~ payment of the balance of Rs 45 to the Pbr, as a sum of Rs 5/- is already paid to Mr Shastri. This means an additional payment of Rs 30/- to the Pbr. D.C.'s recommendation may perhaps be approved for orders.

(15+30)

NOTE—Contd. Sheet.

SD 10/6

WD 0246 GPB—15,000—22-8-32

6544

. File No. of 193 . | General and Revenue Secretariat

3) In His 36 of 30-31, a land acqn case in Shimoga Dt Ct, a sum of Rs 20 has been sanctioned ~~fee~~ as advocate's fee already in G.O of 16th Decr 1932. Out of this Rs 20/-, Rs 5/- is to be paid to Mr: Sesharastri & Rs 15/- to Mr B. Krishna Rao, the present PPr. This order was made while the case was still pending.

4) The case has been now disposed of, the claim by the party being dismissed with costs. The Court has assessed the Advocate's fee at Rs 50/-.

5) The PPr Mr Krishna Rao has sent in a bill through the D.C Shimoga claiming Rs 191/- calculated advalorem on the difference between the amount awarded by the Land Acqn officer & the amount claimed by the party. Under the Rules he would be entitled to this fee only if the Court adopts the same method for assessing the fee. Since it has awarded only a lump sum fee of Rs 50/-, Govt cannot Sanction more, unless special circumstances are made out.

6) In addn to what has been sanctioned in G.O of 16-12-32, a sum of Rs 30/- can now therefore, be ~~xxx~~ sanctioned to the PPr, his total fee thus amounting to Rs 45/-, as recommended by the DC, the balance of Rs 5/- being payable to Mr: Sesharastri as already ordered.

I Member) BNR 22/6/33

BM 23/6 22.6 6) DOT BNR 23/6

OFFICE OF THE FIRST ... JIL 22 JUNE 1933 No. 10453

6548

General and Revenue Secretariat | Law File No. 41 of 1932. | [App. F. III—2

Serial No.

(1) Dft G.O. sub² for appl

ISD
23/6
24/6/33

(2) Issue
MNP
24/6

To,

The D.C. Shimoga

Comptroller

PPr. Shimoga

G.O. no. P. 6647-29 dated 21-12-16 dt 27.6.33 sanctioning the payment of a fee of Rs 30/- in addition to the fee of Rs 15/- already sanctioned to the PPr. Shimoga in M.S. 36/30-31 on the file of the Dr. Judge. Shimoga

from

the D.C. ~~Shimoga~~ Kadur

no. A9-1799 dated 15th forwarding a statement of apportionment of fee in certain land acquisition cases in the file of Dr. Judge Shimoga

Reference para 1 supra.

(3) Out of the 7 cases noted in the statement are reported to have been disposed of, 2 and the apportionment of fee between Mr. Sastri and the PPr. Shimoga has been made giving 1/3 of the advocate fee earned by the Govt. Pr. Mr. Sastri and the balance to the PPr. Shimoga. If this may perhaps be sanctioned

(4) As regards the other 4 cases, they are reported to be still pending; and the D.C. has

NOTE—Contn. Sheet.

6615

File No. 41 of 193 | General and Revenue Secretariat

recommended the payment of ¼ of the fees for the M.S. on advalorem basis.

(8) In more than one case it has been brought to the notice of Govt that the Courts are inclined to grant a maximum fee of Rs 50/- in all such Cases. Therefore it will be not be safe to pay ¼ of the amount claimed as recommended by the DC. The final disposal in all the 4 remaining Cases may perhaps be awaited.

Submitted for orders

ISD 1/7

(9) The 1st three cases, viz Mis 85 of 28-29 Mis 7 of 29-30 & Mis 2 of 29-30 have been disposed of. The fees claimed by messrs Sesharastri & Krishnadas & those allowed by the Court are as follows:—

	Mis 85	Mis 7	Mis 2
Claim by M.S. Sastri	392/-	7/-	10/-
Mr. K. Rao:	615/-	7/-	15/-
Allowed by Ct	50/-	7/-	7/-

The D. C's recommendation is to apportion the fees allowed by the Court between Mr. Sesharastri & Krishnadas in the ratio of 1 to 2. Mr. Sesharastri has appeared in the three cases respectively for 14, 11 and 2 days while Mr Krishnadas has appeared on 15, 6 and 4 days. It seems to be fair to divide the fee equally between the two, that is each will get Rs 25, 3/8/0, & 3/8/0, respectively for these

Serial No.

3 cases—

5d) The other 4 cases are still pending. Mr Seshasastri claims fees for work done by him in these cases, on the advalorem basis. Seeing that the practice in Shimoga is to assess fees in Land Acqn cases on the same scale as in Miscellaneous proceedings, it is not safe to sanction payment on the advalorem basis now. In these ~~Land Acqn cases~~ cases, the maximum fee assessable by the Court is Rs 50/- and as such a sum of Rs 25/- each, ie in all a fee of Rs 100/- may be sanctioned to Mr Seshasastri in full settlement of his claims.

First Member)

5f) Papers 6/7/33

5g) Dft G.O. Sanctioning Rs 100/- for appts

5h) Issue 7/7/33

18 G.O No. Misc. 194-95 dt 11.7.33
To the Deputy Registrar & the Comptly.
Sanctions Advocates' fees as per Statement attached.

OFFICE OF THE FIRST MEMBER OF COUNCIL
4 JULY 1933
No. 61

NOTE—Contn. Sheet.

Law File No. 41 of 1932 | General and Revenue Secretariat

'R'

From,

M. Venkata Narasimha Shastri, Advocate, Shimoga

Letter dated 4.4.32. requesting him to reconsider the circumstances stated to recall the G.O. dated 11th July 1933 sanctioning certain fee in respect of several land acqn cases, and claiming a fee of Rs 720/- in the 4 cases referred.

Ref: para 4 & 5 supra.

1. Mis 85/30-32
2. Mis 26/28-29
3. Mis 157/28-29
4. Mis 90/28-29

5) Mr. Shastry claims his fee on the advalorem basis in the 4 original land acqn cases. He contends that he is not responsible for the wrong calculation of the fee assessed by the Court in his offering and the Govt Counsel ought to have moved for to get the order revised by the H.Ct. The Court has assessed in the said case a fee of Rs 50/- being the maximum fee allowed in Mis. Cases, and the same was apportioned between himself and Mr. Krishna Rao the present Govt.

6) In a similar case Mis 27/30-31, the present Govt himself claimed a higher fee than that allowed by the Court. It was pointed out to him in that connection that the Dt. Ct. Shimoga has to be moved to assess the fee on the advalorem basis, and that if a decision against Govt is given, to report the matter to Govt to move the H.Ct. accordingly. Since it was brought to the notice of Govt that there is no uniformity in several Courts in fixing the fee in land

'2'

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5580

21

General and Revenue Secretariat | Law File No. 41 of 1932 | [App. F. III—2

Serial No.

Acqn Cases. The H.Cr. is also addressed in the matter, and their reply is being awaited.

(b) As regards the other 3 Cases, they were still pending at the time of sanctioning the fee to Mr. Seshasastry. He was therefore paid a fee of Rs 25/- for each Case in full settlement of his claims.

(c) If applns are rcd we will be enquired whether the said Cases have been since disposed of and if so he will be asked to send copies of memo of Costs allowed.

TSD 4/4

(d) Yes
9/4/34

(e) Dft put up for applns

TSD 10/4

(f) Issue
MY 10/4

TYPING SECTION
11 APR 1934
GEN SECTT.

Issued no. P. 1752 dated 13.4.34

From

The Govt Pleader

no. 505 d 16.4.34 stating that the said land acqn cases are still pending disposal

(b) Mr. Seshasastri's representative has to await the disposal of these land acqn cases of appts & he will be informed that his claim will be considered when the Cases are finally disposed of.

TSD 18/4

(g) Let what Mr Seshasastri disposed of?

MY 18/4/34

NOTE—Contn. Sheet.

WD 0431—GPB—15,000—12-10-33

5586
P

Law File No. of 1933 | General and Revenue Secretariat

Serial No.

(a) The dispatch of Mis 85/18-19 is reported in Kadur DC's letter dated 15.6.33. It is perhaps too late now to take any action to move the H.C. to revise the assessment of fee in the said case.

ISD 19/6 (b) Please ask the PP Shimoga, when the trial order in Mis 85/18-19 was passed & why he did not press for advocate's fee being assessed on ad valorem basis. Copy of Mr. Sesharastri's letter of 4.4.34 may be sent.

PPE
19/4/34.

(a) Dft pursue accordingly.

ISD 20/6

(b) Issue

PPE 20/4/34

Issued no. L 4904 dt 24.4.34

23. APR. 193
GENL & REVENUE SECTT

From,

The Deputy Commr Shimoga

no. A.S.C. 589/33-34 dt 7.5.34. stating that Messrs. M. Sesha Sastri and B. Krishna Rao have been allowed a fee of Rs 30 and Rs 270 respectively in G.O. dated 16.12.32, in Mis 17/1931 on the file of the Dist. Ct. Shimoga. and that court has awarded a sum of Rs 50/- only as pleader's fee, and soliciting sanction of fees in the Criminal cases stated to revise the apportionment of fees originally sanctioned.

Serial No.

67) Refce para 15-16 supra.

The fee sanctioned in G.O. dated 16.12.32 was apportioned on the advalorem basis with reference to the vdr sheets according to the nature of the work turned out by each of the advocates. Now it is reported that a maximum fee of Rs 50/- only is allowed by the Court according to rules. Sanction of Govt is solicited for reduction of Counsel's fee. If appd the PPr. Shimoga will be enquired why no action was taken to claim a higher fee in the case.

Sub: for orders.

ISD H/5

68) Mcs: 17 of 30-31, a land acquisition case, was being conducted by Mr: Seshasastri when he was PPr of Shimoga. At the time he handed over charge to Mr: B. Krishnadas, this case was taken away from Mr: Seshastri & he therefore claimed fee for work done, as he was entitled to. The fee claimed was Rs 300/- on the advalorem basis. Since the major portion of the work in the case had still to be done at that time, Govt sanctioned a fee of Rs 30/- to Mr: Seshasastri & the balance of Rs 270/- to Mr Krishnadas in the G.O of 16.12.32, but directed that payment be made to the latter Mr & when his bill shall

NOTE—Contn. Sheet.

WD 01536—GPB—7,500—5-4-34

VL

5988

File No. of 193 . | General and Revenue Secretariat

Countersigned - received -

6) It is now reported that this case was disposed of on 1-2-33 and the advocate's fee allowed is only Rs 50/-, treating the case as a miscellaneous one. Kind reference is invited to paras 23 to 32 supra, where the practice regarding the assessment of fees in such cases is discussed - ~~As~~ directed in para 31, the PP, Shimoga (Mr Krishnarao) has been instructed to move the Dt Ct in any other case that may hereafter arise to assess the fee on the advalorem basis. * Z (Memo of 19.5.33)

7) Since the fee of Rs 270/- sanctioned in the G.O of 16.12.32 has not been yet paid to Mr. Krishnarao, and in the circumstances that have happened since then, I think Mr. Krishnarao is not entitled to claim more than the balance Rs 20/- which is the balance available after meeting the bill of Mr Sesharastri already sanctioned for Rs 30/- is paid -

Submitted for orders

Gen Secy) 12/5/34

Mr. Sesharastri in another connection (Vide his letter of 4-4-34) says that when he was PP he was getting the Court assess the fee on advalorem basis + that he should not be made to suffer for the omission of Mr. Krishnarao in getting a similar assessment made in these cases - vide 17/-

8) I think we could not pay more than what the Govt. has ordered in this case. Mr. Krishna Rao could get only the balance remaining

Serial No.

SECOND
14 MAY 1934
NO 1579

Second Number.

Law
12.5.34.

Dft
15/5

Law.
15.5.34

Dft 90
DDL
15/5

72) Sub? wire a dft G.O. for appt.
ISD
16/5

73) Clean draft please
DDL
16/5

74) Typed dft put up.
ISD
17/5.

75) May be approved
Gen Secy) DDL
17/5

Law.
18.5.34

76) Issue
DDL
18/5

TYPING SECTION
MAY 1934
SECTT.

TYPING SECTION
18 MAY 1934
GENL & R

To

The Dy. Secretary, Comptroller, Por. Secretariat

G.O. no. [illegible] Law 41/32-I dt 25-5-34 appointing a fee of Rs 10 to the Por. Secretariat and Rs 30 to the Por. Secretary for his services in this matter.

NOTE—Contn. Sheet.

Sen A

WD 01536—GPB—7,500—5-4-34

Law File No. of 1934. | General and Revenue Secretariat

From

The Registrar H.Ct.

Roc no. 1210/32-33 dated 3rd Aug. 1934 stating that it is ascertained that a fixed sum not exceeding Rs 50 is being awarded in land acqn cases as advocate's fee in Srinagar Dr and the practice in Bde & Mpr Dr is to award a fee on advalorem basis and that the H.Ct. thinks it desirable to have a uniform practice in all the 3 divisions and requesting sanction to the amendment proposed to Civil rule of practice no. 91 d. 2.8.1897.

Refce para 26-32 supra.

The amendment proposed may be approved

DEWAN'S OFFICE 10 AUG 1934 No. 780

TSP 7/8

The amendment to the Civil Rules of Practice proposed by the High Court under the Legal Practitioners Regulation may be approved. It regulates & determines the advocate's fees in land acqn ~~suits~~ cases.

(Gen Secy) 7/8/34

may be approved.

Second Member CAM. 7.8.34.

Dewan.

10-8-34

10/8/34

9/8

8/8/34

11.8.34.

OFFICE OF THE SECOND MEMBER OF COUNCIL. 8 AUG. 1934 No. 76

751

27

General and Revenue Secretariat | Law File No. 41 of 1932 | [App. F. III—2

Serial No.

Subj: Amdt to Rules of Practice

TD 13/8

For perusal before issue

I member) DMP 13/8

Ker 14/8 on

Law 16.8.34

Issue DMP 17/8

To,

The Registrar, H.C. of Kys.

G.O. no. P. 1044 Law 41.32 d 22.8.34 approving the amend proposed to Civil rule of practice.

B 27/8/34

OFFICE OF THE ... COUNCIL
FIRST MEE... 1[illegible] JULY 1934
No. 1181

TYPING SECTION
17. AUG. 1934
GENL. & REV. SECT.

NOTE—Contn. Sheet.

WD 01955—GPB—22,500—12-6-34

1662 205/1932 P

Law 41-32-3

To

Rajamantrapravina

K. Matthan Esq., B.A.,

Member of Council, Bangalore.

Sir,

In acknowledging with thanks the letter of Government No. P. 1780/Law 41-32-2 dated Bangalore 22nd/23rd September 1932, in reply to my letter of the 19th inst., -- praying for a settlement of my claim for fees in certain Land Acquisition Cases, I beg to make further representations as follows with the hope and belief that the same will be duly considered and favourable orders passed.

It is stated in the letter under reference that there is no means of finding out the basis on which the fee is to be calculated, that it may not be a fair measure of calculation if it is made on an ad valorem basis on the compensation claimed by the party and that the court may in all probability assess the fee differently. This view, it is humbly submitted, is not quite in accord with the rules on the subject. The relevant rule on the point is that contained in Rule 56, Clause II(b) of the Rules for the Conduct of the Legal Affairs of Government which reads as follows:

> "For conducting or defending a Civil Suit or proceeding (the remuneration) will ordinarily be the maximum amount calculated according to rates of costs of the suit assessable by the Court unless an --- additional sum is sanctioned by Government in consideration of the exceptional importance and difficulty of the case."

According to this rule the fee will have to be calculated according to rates of costs of the suit assessable by the Court. It has no reference to the cost assessed by the Court in a given case. If it were the intention of the Government that what is actually assessed in a given case is

is the fee payable to their Counsel, the word 'assessed' would have been found instead of 'assessable' and the word 'maximum' would have been dropped. To interpret the rule in the manner laid down in the letter under reference would land us in inconsistency. I beg to make myself clear by putting the two hypothetical cases noted below:

1. Suppose Government files a suit for Rs.1,000/- and the defence is that nothing is due. The suit is eventually decreed, say for Rs.200/-. According to the rule for the calculation of costs, the defendant is liable to pay to the plaintiff Rs.10 as Advocate's fee and the plaintiff having failed to substatiate his claim for Rs.800/- will have to pay the defendant Rs.40/- as Advocate's fee. In these circumstances can it be contended that the plaintiff (Government) is liable to pay his lawyer only Rs.10/- as fee when he fought for a claim of Rs.1,000/-. The answer is clearly in the negative. The assessment of fee in the bill of costs annexed to a decree is only intended to determine the liability of one party to the other re: the fee payable by way of Advocate's fee.

2. Suppose a party files a suit against Government for recovery of Rs.1,000/- and the defence is that nothing is due. The Court eventually passes a decree for Rs.800/-. In the bill of costs that will be annexed to the decree, it will be mentioned as per rule that the plaintiff is ~~not~~ entitled to get Rs.40/- by way of Advocate's fee and is liable to pay the defendant Rs.10/- by way of Advocate's fee. It cannot be said that the fee payable to the defendant's Advocate is only Rs.10/- in this case.

From what I have submitted above my contention is that what may be fixed as fee recoverable by the successful party from the opposite side when the suit is ultimately disposed of cannot be taken into consideration in interpreting the rule quoted above.

The

The fee under the said Rule for defending a Civil proceeding (e.g. a land acquisition case) is the same as the one for defending a Civil Suit as it is clear that it is to be calculated according to the rates of costs of the Suit.

In this connection I may be permitted to bring to the kind notice of Government that the calculation is made in the manner claimed by me, in the Mysore District Court where a large number of land acquisition cases are being filed every year.

I beg to state that in view of the fact that the cases for which I am now claiming the fees are being attended to by another Advocate, I am willing to accept half the fee claimed in each case if the Government be pleased to so order. In coming to a decision on the point I request that Government may also be pleased to take into consideration the fact that having appeared and represented one party in all the cases I am practically disabled from taking engagement from the other side.

It is confidently hoped that this matter will receive the kind consideration of Government and favourable orders will be passed.

I beg to remain,
Sir,
Your most obedient servant,

N. Krishnaswamy

Advocate,
& Ex-Public Prosecutor,
Shimoga.

Bangalore
3rd October 32

2074/1932 P

OFFICE OF THE DEPUTY COMMISSIONER,
SHIMOGA DISTRICT.

No. A5.C.589/31-32.

Dated, Shimoga 7th October 1932.

Law 41-32-4

GENERAL SECRETARY
10 OCT. 1932
No. Law

FROM

GULAM MOHADIN MEHKRI, ESQ., B.A., LL.B.,
Deputy Commissioner,
Shimoga District.

Early

To

R. Ranga Rao, Esquire, B.A., B.L.,
General Secretary to Government,
Bangalore.

10/11

SIR,

With reference to your letter No.P.1668/Law P.P.1-19-7 dated the 19th September 32 returning the bills of remuneration due to Mr. N. Seshasastri for conducting certain Land Acquisition Cases on behalf of Government, with a request to resubmit them along with the bills of Fees due to Mr. B. Krishna Rao, the present Public Prosecutor, I have the honour to state that Mr. B. Krishna Rao has submitted only 4 bills as noted in the margin with his letter No.25 dated the 20th July 32 (Copy enclosed for kind reference). The above said bills of Mr. B. Krishna Rao along with the bills sent to Mr. N. Seshasastri are herewith sent as required above.

1. Mis.10/25-26. Hanumantha Rao Vs. Land Acquisition Officer.
2. Mis.1/28-29 United Steel Co., Vs. L.A. Officer.
3. Mis.9/28-29 Chennamma Vs. L.A. Officer.
4. Mis.60/29-30 H. Srinivasa Rao Vs. L.A. Officer.

Copies of Order sheets in the above four cases furnished by the Public Prosecutor are enclosed herewith for reference.

I have written to Mr. B. Krishna Rao today to expedite submission of the remaining bills of fees due to him in the cases disposed of since and will send the same as soon as they are received.

I have the honour to be,
Sir,
Your most obedient servant,

For Deputy Commissioner,
Shimoga District.

Letter No.25/4 bills dated 20th July 32 from the Public Prosecutor, Shimoga Division, Shimoga to the Deputy Commissioner, Shimoga District.

In submitting herewith my bills for remuneration due to me for the ~~xxkkx~~ professional services rendered by me on behalf of the Government in the marginally noted cases, I have the honour to state that the said cases have all been disposed of and the bills are duly countersigned by the District Judge as required by the rules in token of my appearance before him on the several hearing dates.

1. Mis.1/28-29. United Steel Co., Vs. L.A. Officer.
2. Mis.60/29-30. H. Srinivasa Rao Vs. -do-
3. Mis.9/28-29 Channamma Vs. -do-
4. Mis.10/25-26. A. Hanumantha Rao Vs. -do-

Though in all the above cases, my predecessor in office has appeared in them previous to my appointment, the brunt of the work has fallen on my shoulders as is evident from the copies of the order sheets in the said cases already submitted to you and what-ever successful result that has been achieved in them the same has accrued by my honest and best endeavours directed to-wards the said end.

The references from the Government under which authroity the Government pleader has acted, have already been sent to you by me along with Mr. N. Seshasastri's bills.

I request you to kindly get my bills sanctioned by the Government with suitable recommendation.

Copy.

For Deputy Commissioner,
Shimoga District.

STATEMENT SHOWING THE DETAILS OF WORK DONE BY MR SESHA SASTRY AND THE PRE

Serial number.	Case No:	No: of hearings attended to by the Ex-public Prosecutor.	Work done by the Ex-Public Prosecutor.
1.	~~Prvs. 10/28-29~~	25 as per bill.	~~Examined 2 witnesses on one hearing~~ date. Appearance formal on 17 hearing dates. No reply filed. Did not attend Court on 17 hearing da
2	53/25-26.	- Do -	Absent on 8 hearing dates. Appearance formal at 9 hearings and on 8 hearing dates he examined witness and addressed arguments.
3.	" ~~1/28-29.~~	18 - Do -	~~Reply Statement filed~~
4.	" ~~9/~~ "	15 - Do -	- Do - ~~Many Appearances~~ Are formal.
5.	" ~~10/~~ "	15 - Do -	Reply Statement filed..
6	" 19/29-30.	15 - Do -	Appearance on five 5 hearings. Reply filed. Formal appearance on 4 hearings on one of the above 5.
7	" 20/29-30.	10 - Do -	Reply filed - Appearance formal.
8	~~" 60/ "~~	~~4 - Do -~~	~~- Do - Formal on 3 hearings~~
9.	61/	3 - Do -	- Do - - Do 4 - Do
10.	14/30-31.	9 - Do -	Formal appearances on 6 hearings.
11.	15/	6 - do -	Reply filed. Formal appearance on 3 dates.
12.	17/	6 - Do -	5 formal appearances. Reply filed

PUBLIC PROSECUTOR AND THE AMOUNT OF FEES PROPOSED TO BE PAID TO EACH OF THEM.

) Ork done or to be done by the present Public Prosecutor.	Amount claimed by the Ex-Public Prosecutor.	Amount recommended to be paid to the Ex-Public Prosecutor	Amount recommended to be paid to the present Public Prosecutor.
good the case and the e is disposed of.	66/-	40/-	26/-
pumens to be addressed ter Completion of evidence.	85/-	60/-	25/-
nesses Examined Case dis d. of	45/-	20/-	25/-
Do = Do	7/8	7/8	0
	10/-	0/-	
e is pending: Evidence begin.	43/-	15/-	28/-
— Do - = Do -	137/8	40/-	97/8
se brought to disposal:	95/-	25/-	70/-
ormal appearances. Wit- ses. Examined. Case pending.	45/-	25/- (15)	20/- (30)
Case pending	30/-	30/- (10)	0 (20)
tnesses to be examined	15/-	5/-	10/-
cuments to be addressed nesses to be examined cuments to be addressed is still pending.	300/-	50/- (30)	250/- (270)

13.	Mch	26/30-31	3 appear [illegible]	Appearance - formal.
14	"	27/ "	4. -Do-	Reply filed - 3 - formal appearance
15.		36/	5. -Do-	4. are formal appearance.

Reply Statement filed & Evidence not yet begun	10/-	10/- (5)	10/-
Pending case. Evidence not begun.	205/-	40/-	165/-
Pending case.	20/-	20/- (5)	0. (15)
Total. Rs.	1124/-	397/8	726/8.

OFFICE OF THE DEPUTY COMMISSIONER
Dated 26. 8. 32.

M. S. H.
Deputy Commissioner,
Shimoga District.

Letter No: nil dated the 25th ~~Apr~~ September 1931 from Mr. N. Seshasastry,B.A.,B.L., Advocate and Ex-Public Prosecutor, Shimoga to the Deputy Commissioner, Shimoga District.

****

I beg to enclose herewith 15 bills for fees due to me for conducting the undermentioned Land Acquisition cases on behalf of Government while I was Public Prosecutor and request you to kindly settle my claim at an early date. The bills have been signed by the District Judge, Shimoga Division, as required by Rule 58 of the Rules for the Conduct of the Legal Affairs of Government.

Under orders of Government, as per letter No P. 7580/Cts. dated 22-5-31 of the Secretary to Government, Law Department, (copy enclosed) I have handed over the records connected with these cases to my successor Mr. B. Krishna Rao on 23-5-31 when handing over charge of the Office of Public Prosecutor. I take it that as regards the further progress of these cases, the said Officer has been duly intimating to you.

The reference of your Office under which I conducted the several cases will be found noted in each of the bills.

Having regard to the fact that my engagement was put an end to at the instance of Government in the middle of the cases and that, having appeared for one party, I am disabled from taking up an engagement on the opposite side, I have claimed full fee as valorem in all cases except No: 10, 13 and 15 and I submit it is reasonable Full fee is not claimed in Nos: 10, 13 & 15 below as I merely appeared for Government and took time to do the needful and so fee at the rate of Rs. 5/- a day is claimed.

In this connection, I must mention that Rule 56 Clause 3 as recently amended of the Rules for the Conduct of the Legal Affairs of Government under which the bills for fees have to be taken up for consideration after the disposal of cases does not apply to my claim which arose when the old rules were in force. In G.O. No:P.1589-95(6).Law 29-31-3 dated 12-9-31 (copy enclosed)

Government have settled my claim with respect to original suits, though they are still pending and I therefore submit that the said Rule is no bar to the immediate settlement of my claim.

****

District Court.

1.	Mis.	10/25-26.	Hanumantna Rao	Vs.	Land Acquisition Officer.
2.	"	53/25-26.	Krishnaradhya	Vs	do
3.	"	1/28-29	United Steel Co	Vs	do
4.	"	9/28-29	Channamma	Vs	do
5.	"	10/28-29.	Balakrishna Rao	Vs	do
6.	"	19/29-30	C. Subba Rao	Vs	do
7.	"	20/29-30.	Ramakrishnappa	Vs	do
8.	"	60/29-30.	H. Srinivasa Rao	Vs	do
9.	"	61/29-30	Lingojee Rao	Vs	do
10.	"	14/30-31	V.V.Iyer	Vs	do
11.	"	15/30-31	Basavannyappa	Vs	do
12.	"	17/30-31	Khande Rao.	Vs	do
13.	"	26/30-31	Mallappa	Vs	do
14.	"	27/30-31	Viswnathiah	Vs	do
15.	"	Mis 36/30-31	A.Lakshmana Rao	Vs	do

"""""

"Copy"

DEPUTY COMMISSIONER.
SHIMOGA DISTRICT.

G.R.S. App. F VI—G 2]

9

SUBJECT .....

.....

.....

Diary No. of letter replied to .....

Section Law

File No. 41-32

Serial No. 5

General and Revenue Secretariat

( )

the *193* .

Proceedings of the Government of His Highness the Maharaja of Mysore.

Date of issue 193

Signed by .....

May this be—

(i) printed ?

(ii) treated as a standing order ?

(iii) published in the Gazette, English Part ?

(iv) translated ?

(v) placed at the disposal of the press ?

(vi) published in the Gazette, Kannada Part ?

Read— Letter no. As. S. 589/31-3 dated 7th octobr 1932 from the Deputy Commissioner Shimoga District ~~forwarding~~ for Sanction certain bill, the Public Prosecutor Shimoga ~~together with~~ and of the ~~Connected~~ bill of Mr. V. Subba Advocate Shimoga being claimed remuneration for professional services rendered by him in the ~~Criminal~~ Land acquisition Cases on the file of the Dist. Ct Shimoga, and recommending the the apportionment of fee between the two Advocates may be made as shown in the statement enclosed.

~~Order thereon. No.~~

Mis 10/1926 - (Hanumanthaiah vs L.A. officer)

Mis 1/1929 - (United steel Co. vs ")

Mis 9/1929 - (Channamma vs ")

Mis 60/1930 - (A.S. Rao vs ")

[Vide Para 1 of order]

(0) MP 2203-037 dy 20-10-32

Order:— Govt are pleased to accept the recommendation of the D.C. Shimoga and to sanction the fee to each of the Advocates as per statement

Sanctioned: The D.C. Shimoga is requested to pay out of Govt the Comptroller the Source out of which the Charge is to be met

~~The bills of Mr Sebastian necessary in regard to pending Cases may kindly be sent for Consideration and order.~~

MP
18/10 Genl Sec.

TSD
18/10.

To,

The D.C Shimoga with the bill. (Enc 8 bills).

Mr. N. Sebastian, Adv. Shimoga

The Comptroller to part.

List of Enclosure.

N.B.

[The Statement in para 1 of the note may be typed as enclosure to the G.O.]

Copied by

Examined by

WD 73—GBPM—20,000—10-8-31.

No P 2203-057 dt 20-10-32

(1) Order :— Govt are pleased to accept the recommendation of the D.C. Shimoga and to sanction the fee to each of the Advocates, ~~as per statement~~ sanctioned the D.C. Shimoga is requested to point out direct to the Comptroller the Source out of which the Charge is to be met ~~the bills of the Sebastian vacancy in several pending Cases may kindly be sent for Consideration in order~~

Messrs N. Sebastian and B. Krishnarao as per statement read above —

TSD
18/10.

MM
18/10 Genl Sec

To,

The DC Shimoga with the bills (Encs 8 bills).

- Mr. N. Sebastian, Adv. Shimoga

The Comptroller to fort.

List of Enclosure.

N. B.

[The Statement in para 1 of the note may be typed as enclosure to the G.O.]

Copied by

Examined by

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

Read :—

Letter No. A5. C. 589 of 1931-32 dated 7th October 1932 from the Deputy Commissioner, Shimoga District, forwarding for sanction certain bills of the Public Prosecutor, Shimoga and of Mr. N. Sesha Sastry, Advocate, Shimoga, being remuneration claimed for profesional services rendered by both in the marginally noted Land Acquisition

Mis.	10/25-26	(Hanumantha Rao Vs. Land Acquisition Officer)	Cases on the file of the District Court
"	1/28-29	(United Steel Company Vs. ")	
"	9/28-29	(Chennanna Vs. ")	
"	60/29-30	(H.S. Rao vs. ")	

Shimoga, and recommending that the apportionment of fee between the two Advocates may be made as shown in the statement enclosed.

Order No. P 2203 -05-/Law 41-32-5

Dated, Bangalore, the 19th October 1932.

-20

Government are pleased to accept the recommendation of the Deputy Commissioner, Shimoga and to sanction the fee to each of the Advocates - Messrs. N. Sesha Sastri and B. Krishna Rao as per statement read above. The Deputy Commissioner, Shimoga is requested to point out direct to the Comptroller the source out of which the charge is to be met.

M Puttaswamy

for General Secretary to Government

To

The Deputy Commissioner, Shimoga District, with the bills.

The Comptroller to the Government of Mysore.

Mr. N. Sesha Sastri, Advocate, Shimoga.

R.G.6.

S t a t e m e n t .

Case No.	Amount claimed by each of them.	Amount recommended to	
		Mr. N.Seshasastri	Mr. B. Krishna Rao
Mis. 10 of 1925-26 (Hanumantha Rao Vs. Land Acquisition Officer)	Rs. 66/-	40- 0- 0	26- 0- 0
Mis. 1 of 1928-29 (United Steel Company Vs. Land Acquisition Officer)	" 45/-	20- 0- 0	25- 0- 0
Mis. 9 of 1928-29 (Chennanna Vs. Land Acquisition Officer)	" 7-8-0	7- 8- 0	...
Mis. 60 of 1929-30 (H.S. Rao Vs. Land Acquisition Officer)	(N.S.) " 95/-) (B.K.) " 92/8/0)	25- 0- 0	70- 0- 0
		92- 8-0	121- 0- 0

M Venkatarao
In General Secretary to Govt
TSD

C.R.G.4

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. P 2206-07. Dated, Bangalore, 19th Oct.1932.
Law 41-32-6 (Enc.1)

From

The General Secretary to the Government of His Highness the Maharaja of Mysore.

To

The Deputy Commissioners,
Kadur & Shimoga Districts.

Sir,

I am directed to forward herewith copy of Mr. Sesha Sastri's letter of 3rd October 1932 in reply to this office letter No. P. 1780/Law 41-32-2 dated 23rd September 1932, sent to you with Memo No. P.1781-82 of the same date. Now that Mr. Seshasastri is willing to accept half the fee claimed I am to request that his bills in pending cases returned to you with this office letter No. P. dated 19th 1932 may kindly be resubmitted for orders of Government.

I have the honor to be,
Sir,
Your most obedient servant,

for General Secretary to Government.

C.R.G.3.

Appendix F G—1]

SUBJECT .....

.....

.....

Section Law

File No. 41-32

Serial No. 6

Diary No. of letter replied to .....

No. P 2206-07/Rev I

To The D. C. Kadur

~~The D.C. Shimoga~~

Sir,

General and Revenue Secretariat

( )

the 193 .

I am directed to forward herewith ~~a reference~~ copy of Mr Sesadasastri's letter of 3rd Oct 1932 in reply to this ~~(in original for hard return)~~ of the Office Letter No: P.1780/Law 41/32-2 dated 23rd Sept 1932, sent to you with ~~Express his will~~ memo No P1781-82 of the same date.

Date of issue 20/10/32

Signed by

Now that Mr: Sesadasastri is willing to accept half the fee in ~~Certain land acquisition~~ claimed, I am to request that his ~~Case may not be kept pending and~~ bills in pending cases ~~to request that his revised bills~~ to you with returned in his office letter no. P.6044 dated 19th April Sept 1932 may kindly be resubmitted for ~~Consideration~~ orders of Govt.

For Shimoga ~~but~~ P1688 dated (1668) 19 Sept 1932

List of enclosures .....

Copied by .....

I have the honour

ISD 18/10

Examined by .....

WD.71—GBPM—40,000—20-7-31.

23265/32

OFFICE OF THE PUBLIC PROSECUTOR
SHIMOGA DIVISION.

No. 152
Encl.

DATED, SHIMOGA THE 22nd October

From

B. KRISHNA RAO. ESQR., B.A., B.L.,
PUBLIC PROSECUTOR.
SHIMOGA DIVISION.

To,

The General Secretary to the
Government of Mysore,
Bangalore

Sir,

1) with reference to your letter No. P.1668 X of 19-9-32 addressed to the Deputy Commissioner of Shimoga dist. returning the bills of my predecessor in office in the Land Requisition cases for resubmission of the same after the disposal of the pending cases, I have the honour to State that the opinion there in expressed about the amount of remuneration due to the Govt. pleader as being the fee assessed by the court is detrimental to the interests of the Advocates occupying the position of Govt. pleader.

2) I may be permitted to State that the fees taxed by the court as embodied in the decree affords no true criterion on which to brake the fee to be paid to the Govt. pleaders for the professional work rendered by them on behalf of the Govt. For the taxation of costs by the court only determines what amount is payable by one party to the opposite party by way of remuneration due to the Adversary's counsel and it does not and can not determine what is payable by each party to his own Advocate. And this is the true Scope and

Meaning of the taxation of fees by the court in the decree embodying the costs allowed, is borne out by the provisions of the Legal practitioner's Regulation under which an Advocate or pleader is only entitled to recover the fees by means of a suit only where the contract entered into between him and his client re the remuneration due is in writing and filed in court within 15 days of the execution of the contract and it should not exceed the said agreed amount. And in cases where there is no written contract and those in which the contract is only oral ~~paid by the party to his counsel~~ the fee to be paid by the party to his counsel is determined on the principle of Quantum meruit. Such being the case, the taxation of fees by the court affords no basis on which the Govt pleader's fee is to be determined for the professional services rendered by him on behalf of the Govt both in the original cases and in Miscellaneous proceedings.

3) The basis for determining the Govt pleader fee is 5 percent calculated on the value of the subject matter of the case as fixed in Rule 5-6 clause II (b) of the Rules for the conduct of the Legal affairs of Govt which enacts.

4) "For conducting or defending a civil suit or proceeding (the remuneration) will ordinarily be the maximum amount calculated according to rates of costs of the suit assessable by the court unless an additional sum is sanctioned by Govt in consideration of the exceptional importance & difficulty of the case".

The Rules reads "assessable" and not "assessed" and if the Rule should be read as meaning assessed it leads to an absordity. For in those cases in which the Land Acquisitions officer's award is increased the court orders either that the Land Acquisition officer should pay the successful claimant some amount by way of his Advocate's fee or that each party should bear its own costs and in both of such cases the court awards nothing towards pleader's fee in favour of the Land Acquisition officer. If the rule should be construed as "assessed" by court it would mean that the Govt pleader could get nothing for his troubles & labours, and I do not believe that the Govt intended such a contingency by enacting the above rule. I would therefore request you to Kindly settle the amount of fees to be paid to the Govt pleader in Land Acquisition cases on the principle of Ad Valorem on the subject matter of claim before the court.

5) Under the present rule recently framed, the total amount of fees due for the professional services rendered in the same case by different Advocates as Govt pleaders is to be distributed amongest them and the following cases, namely,

(1) Mis S-3/26-27 [Krishnaradhya Vs Land Acquisition officer] (2) Mis 61/29-30 [Lingoji Rao Vs Land Acquisition officer, Shmoga] (3) Mis 2/29-30 [patre Venkata Rao etc Vs Land Acquisition officer Kadur] (4) Mis. 20/29-30 [H. Rama Krishnaffa Vs Land Acquisition

officer Shimoga] and (5) Mis. 85/28-29 [B. S. Ameer Ahamed Vs Land Acquisition officer Kadur] have recently been disposed of by the district judge. I have submitted my bills for remuneration in the above cases to the district judge for his counter signature and I will submit the same to you for orders of the Govt with in a week.

As I have rendered substantial service in each of the above cases I request that my claims may also be considered in connection with those of my predecessors Mr. N. Seshasastri and the total amount of fees payable in each case be equitably and justly distributed between us on the principle of actual work turned out by each.

I have the honour to be,
Sir,
your most obedient servant,

S. Krishna Rao
Public Prosecutor,
Shimoga division.
22-10-32

2376 2/5

1932 Law41-32-7

From

The Deputy Commissioner,
Shimoga District

To

The General Secretary to
Government of Mysore,
Bangalore.

Dated 24th October 32

Despatched

Received

General No. A5.C.589/31-32.

No.

Enclosure No. 2 files.

1. Mis.53/25-26 Krishnaradhya Vs. L.A. Officer.
2. Mis.10/28-29. Balakrishna Rao Vs. -do-
3. Mis.19/29-30. C.Subba Rao Vs. -do-
4. Mis.20/29-39 Ramakrishnappa Vs. -do-
5. Mis.61/29-30 Lingojee Rao Vs. -do-
6. Mis.14/30-31. V.V. Iyer Vs. -do-
7. Mis.15/30-31 Basavanyappa Vs. -do-
8. Mis.17/30-31. Khande Rao Vs. -do-
9. Mis.26/30-31 Mallappa Vs. -do-
10. Mis.27/30-31 Vishwanathiah Vs. -do-
11. Mis.36/30-31. A. Lakshmana Rao Vs. -do-

GENERAL SECRETARY
26 OCT.

Sir,

With reference to your Docket No.P.2305-07 Law. 41-32-6 dated 20th October 32 forwarding a copy of Mr. Seshasastry's letter of 3rd October 32 expressing his willingness to accept half the fee claimed and calling for the bills in the pending cases received with your letter No.P.1668- dated 19th September 32, I have the honour to resubmit the marginally noted bills as desired together with copies of order sheets in each of the above cases. The bills of Mr.B. Krishna Rao in cases since disposed of will be submitted on receipt from him.

In this connection, I invite your reference to the ~~appointment~~ apportionment proposed by me according to which Mr. Seshasastry will not be entitled to ½ the fees due.

I have the honour to be
Sir,
Your most obedient servant,

For Deputy Commissioner,
Shimoga District

25:2 V2376 211 A5.

2539/32

OFFICE OF THE DEPUTY COMMISSIONER,
SHIMOGA DISTRICT,

No.A5.C.589/31-32.
Enc.3 bills and one Copy of letter.

Dated, Shimoga....2nd...November.....1932.

Law 41-32-8

FROM

GULAM MOHADIN MEHKRI, ESQ., B.A., LL.B.,
Deputy Commissioner,
Shimoga District.

GENERAL SECRETARY. 4 NOV 32

To

R. Ranga Rao, Esquire, B.A., B.L.,
General Secretary to Government,
Bangalore.

SIR,

I have the honour to forward herewith in continuation of this Office letter No.A5.C.589/31-32 dated the 24th October 32, three bills for Rs 294/- being the fees claimed by Mr. B. Krishna Rao, the present Public Prosecutor, Shimoga, received with his letter No.161 dated the 24th October 32 (copy enclosed for reference) for professional Services rendered by him as Government Pleader in the three marginally noted

1. Mis. 53/25-26 Krishnaradhya	Vs. Land Acquisition Officer.	Land Acquisition cases, since disposed of on the file
2. Mis.61/29-30 Lingoji Rao	Vs. -do-	
3. Mis. 20/29-30. H. Ramakrishnappa	Vs. -do-	

of the District Judge, Shimoga. The bills of fees claimed by Mr.N. Seshasnastry, the Ex-Public Prosecutor in the same cases have already been sent to you with my letter referred to above together with copies of the order sheets in the said cases showing the nature and extent of work turned out by each of them.

In the 1st 2 cases, the Ex-Public Prosecutor has done more work and I had therefore apportioned a higher fee to him and in the 3rd case a larger fee to the Present Public Prosecutor in the apportionment statement sent by me with my letter dated 27-8-32. It is for Government to decide what each is to get.

I have the honour to be,
Sir,
Your most obedient servant,

W. G. [illegible] 2/11
Deputy Commissioner,
Shimoga District.

SND/1

Letter No.161/ dated 24th October 32 from the Public Prosecutor Shimoga Division, Shimoga to the Deputy Commissioner, Shimoga District.

In forwarding herewith for your recommendation my bills for professional services rendered by me in the marginally noted Land Acquisition cases of Shimoga District, I have the honour to state that except in case No.1 which was partly conducted by my predecessor when he was in office, the rest of the cases have all been conducted by me from start to finish and that Mr. Sesha Sastry has merely filed reply statements in the said two cases as objections to the claim of the petitioners and has put in some formal appearances on some hearing dates. In Case No.2 the claimant has examined a number of witnesses on different hearing dates and I had to cross-examine them at length in order to break them down. So that, the brunt of work has fallen on my shoulders in the said cases Nos. 2 and 3 and Mr. Sesha Sastry's work has been merely formal while the successful result has been achieved by my labours.

1. Mis.53/25-26 Krishnaradha Vs. Land Acquisition Officer.	( )
2. Mis.61/29-39 Lingoji Rao Vs. -do-	( )
3. Mis.20/29-30. H. Ramakrishnappa Vs. -do-	( )

I know that Mr. Sesha Sastri has put in a petition before the 2nd Member of Council (Copy of it has been sent to me by him in connection with the question of getting fees on Ad Valorem basis) stating that he would be satisfied if he should be given half the total fees in each case.

I would submit for your consideration that, if his claims are accepted, it would operate prejudicially to my interests and would take away all enthusiasum and zest in the future conduct of the pending cases in as much as I would be paid very much less than what I ought to get for the work I have to do and another will get more than what his services do entitle him to get. I would think that he is not entitled to anything more than a quarter of the total fee in all the cases pending and those which have been disposed of. I would

2 2

would therefore request you to send suitable reqommendation to the Government in the matter of apportionment of fees between us.

Copy.

Deputy Commissioner,
Shimoga District.

SND/1

The Connected file
is subj to the Gen! Sec!
His ans be pmpt after
its receipt.

TSD
8/m 4/13/12

2704/32-23
P 8352

In reply please refer to—
No. A7-1799-32/55

OFFICE OF THE DEPUTY COMMISSIONER,
KADUR DISTRICT.

Chikmagalur, dated.....9th November *193*2.

To Law 41-32-9

Enc. 11.

FROM N. SUNDARARAJA IYENGAR, Esquire, B.A.,
~~G.S. KUPPUSWAMI IYENGAR, Esquire,~~
Deputy Commissioner,
Kadur District.

To

H. V. RAMASVAMI, Esquire, M.A., B.L.,

GENERAL SECRETARIAT
11 NOV. 1932
No. Law

Secretary to the Government of His Highness
the Maharaja of Mysore,
General *Department,*
BANGALORE.

SIR,

With reference to your letter No.P. 2206-07 Law 41-32-6 dated 20th October 1932, requesting to send the bills of Mr. Seshasastri, Advocate Shimoga for the fees due to him for having conducted some Land Acquisition cases, while he was the Public Prosecutor, I have the honour to submit herewith 7 bills as noted in the margin.

Bills of Mr. N. Seshasastri, Advocate, Shimoga.

1. Mis. 15/28-29. C.P. Basavegowda Vs, Government.
2. Mis. 26/28-29 K.L. Puttasamiah Vs, Government.
3. Mis. 85/28-29 Ameer Ahamed Vs, Government.

Disposed of on 5-10-32 increasing the amount of Compensation to 5193-0-0.

4. Mis.90/28-29 I.M.G. Vas Vs, Government.
5. Mis. 2/29-30 Venkata Rao Vs, Government.

Disposed of on 26-5-32.

6. Mis. 7/29-30 Veeregowda Vs, Government.

Disposed of on 23-11-31.

7. Mis. 6/30-31 T.C. Basappa Vs, Government.

Out of these 7 cases, 3 cases have since been disposed of and the nature of disposal is noted against each. In all these cases, the work done by Mr. Seshasastri has been noted in detail in this Office letter No. A7- 1402-32 dated 24-3-32.

The present Public

24

Public Prosecutor, Mr. B. Krishna Rao who conducted the

Bills of Mr. B. Krishna Rao, Public Prosecutor, Shimoga.	marginally noted 3 cases in its further stages has also submitted bills for the above
------	
1. Mis. 7/29-30 Veeregowda Vs, Government.	
2. Mis. 85/28-29 Ameer Ahamed Vs, Government.	
3. Mis. 2/29-30 Patre Venkata Rao Vs, Government.	

cases which are herein enclosed for orders.

A copy of letter No.160 dated 24th October 32 from Mr. B. Krishna Rao, the present Public Prosecutor urging for reasons given a proper apportionment of fees between himself and Mr. Seshasastri in these cases is enclosed for information and orders. In my opinion a fair apportionment would be ¼th fee to Mr. Seshasastri in cases where little or no work has been done and 1/3rd in cases where some work has been done.

I have the honour to be,

Sir,

Your most obedient servant,

B. Iyengar

Deputy Commissioner,

Kadur District.

AGA.

Mr. B. Krishna Rao, 25

Copy of letter No.160 dated 24-10-32 from the Public Prosecutor, Shimoga Division, to the Deputy Commissioner, Kadur District.

---

1. Mis.85/28-29 (Ameer Ahamed Vs, L.A. Officer)
2. do 2/ 29-30 (Patre Venkata Rao Vs, do)

In forwarding herewith for your kind recommendation my bills for remuneration due to me for the professional services rendered by me in the marginally noted two cases, I have the honour to state that my predecessor Mr. N. Seshasastri has already submitted his bills for the full remuneration payable in each case and that he has addressed a letter to the 2nd Member of Council expressing his willingness to accept half the remuneration due in each case for his services.

I understand that his bills for the Land Acquisition cases of Shimoga District inclusive of those yet pending have been called for by the Government for settling his claims in all the cases and I believe that a similar requisition has probably been received in your Office in connection with his bills appertaining to the cases of your District.

So far only three cases of your District in which he has done some portion of the work have been disposed of and four more cases namely
(1) Mis 6/30-31 (T.C. Basappa Vs, Land Acquisition Officer of Tarikere)
(2) Mis. 26/28-29 (Puttasamiah Vs, Land Acquisition Officer, Kadur)
(3) Mis. 15/28-29 (Basave Gowda Vs, Land Acquisition Officer,)
(4) Mis. 20/28-29 (L.M.G. Vas Vs, Land Acquisition Officer, Kadur)
are pending disposal. In none of the above cases has any evidence been yet recorded and they are all posted for trial to November and December of this year. Out of the abovesaid four cases my predecessor has merely filed objection statements in cases Nos. 2, 3, & 4 on behalf of Land Acquisition Officer in reply to the claimant's remedy for enhancement of compensation and has made formal appearances on some hearing dates. Most of those four cases involve heavy amounts for which decent amounts of fees are due for the professional services. But the brunt of the work has fallen on my shoulders as I have to conduct the whole trial from start to finish and if Mr. Seshasastri's claims for half the remuneration in each case is accepted it would operate harshly against me in as much as one who has done no substantial work will get more than what his work entitles him to get and one who has hereafter to do substantial work will have to be satisfied with very much less than what

6

what his services entitle him to get. The rules provided for the payment of Rs 5/- only for a day's attendance in Court in Criminal cases when it is adjourned without any evidence and I don't see any reason why the same principle should not apply to civil cases also. At any rate, I request you to kindly consider the apportionment of fees in the above 4 cases in an equitable manner and make suitable recommendations which may not entrench on my claims which will have to be settled after the disposal of the above said 4 cases.

As regards Mis. 85/ 28-29 (Ameer Ahamed Vs, Land Acquisition Officer) I wish to point out to youx that my predecessor has not rendered such services in this as would entitle him to half the total remuneration claimed by him. He has filed objections to the claim and also objections to the claimant's petitions Serials Nos. I & II (appointment of a Commissioner and for injunction) on 23-9-29. He has filed objections to the Commissioner's report on 22-8-30 and has cross examined claimant's witness No. 1 on 15-12-30. This is the real work turned out by him during his time on the three respective hearing dates.

After the case came up to my charge, I have cross-examined the claimant's witnesses 2 and 4 on 6-7-32 during the conduct of a heavy sessions case before the Assistant Sessions Judge, Shimoga and cross-examined the claimant's 3rd & 6th witnesses on 24-8-32. I cross-examined the claimant's 5th witness on 31-8-32 in part and examined 4 witnesses on behalf of the Land Acquisition Officer on 7-9-32. Again on 9-9-32 the P.W.5 was recalled and his cross-examination finished. I addressed arguments on 19-9-32. The copy of the Order sheet in the case hereto appended will bear out the truth of the facts stated above, So that, you will please see as to who has done real and substantital work in the case and whose labour is responsible for the successful result so far achieved. I would therefore submit to youx that Mr. Sesha Sastri is not entitled to anything more than quarter of the total remuneration due. In view of all the above circumstances I would request you to kindly

kindly send suitable recommendations to the Government in the matter of apportionment of fees between us in the said case and all other cases of your District.

C O P Y.

Deputy Commissioner,

9-11-32. KADUR DISTRICT.

AGA.

28

No.P 3557/Land 41-32.
Revs. Con.

23rd Decr.1932.
28

The

The Deputy Commissioner,
Kadur District.

With reference to your letter No.A.7-1799-32/55 dated 10th November 1932 regarding the remuneration claimed by Mr. N.Seshasastri, Advocate, Shimoga, for the work done in certain land acquisition cases, I am directed to request that a statement of apportionment of fees between the two Advocates, may kindly be prepared in view of the nature of the work done by each of them, and submitted for orders of Government.

The bills of Messrs.N.Sesha Sastri and B.Krishna Rao are herewith sent for reference and return.

I have the honor to be,

Sir,

Your most obedient servant,

for General Secretary to Government.
TSD

B.K.M.2

Proceedings of the Government of His Highness
the Maharaja of Mysore.

R e a d:-

Letter No.A5.C.589/31-32 dated 24th October 1932, from the Deputy Commissioner, Shimoga, forwarding certain bills of Mr. N. Sesha Sastry, Advocate Shimoga, being remuneration claimed for professional services rendered by him as Ex-Public Prosecutor in the marginally noted Land Acquisition cases which are still pending on the file of the District Judge Shimoga.

1.	L.A.C.	53/25-26	Krishnaradhya -vs-	L.A. Officer
2.	"	10/28-29	Balakrishna Rao -vs-	-do-
3.	"	19/29-30	C. Subba Rao -vs-	-do-
4.	"	20/29-30	Ramakrishnappa -vs-	-do-
5.	"	61/29-30	Lingojee Rao -vs-	-do-
6.	"	14/30-31	V.V. Iyer -vs-	-do-
7.	"	15/30-31	Basavanyappa -vs-	-do-
8.	"	17/30-31	Khande Rao -vs-	-do-
9.	"	26/30-31	Mallappa -vs-	-do-
10.	"	27/30-31	Vishvanathaiya. -vs-	-do-
11.	"	36/30-31	A.Lakshmana Rao -vs-	-do-

2. Letter No. A5.C.589/31-32 dated 2nd November 1932, from the same Officer submitting for sanction several bills of the Public Prosecutor, Shimoga being remuneration for the work done in some of those cases since disposed of. (Vide - asterisk mark in the above cases noted in the margin)

ORDER NO. P-3315-17/Law 41-32-10

Dated, Bangalore, the 15th December 1932.

Government are pleased to sanction the fees as apportioned in the annexed list in view of the nature of the work done by each of the Advocates.

Except in the cases for which the bills are now submitted by the Public Prosecutor, Shimoga, the payment in the remaining cases may be authorised as and when his bills duly countersigned are received.

The Deputy Commissioner, Shimoga, is requested to point out direct to the Comptroller the source out of which the charge is to be met.

For General Secretary to Government.

To

The Deputy Commissioner, Shimoga District, with bills and order sheets.
Comptroller to Government.
Mr. N. Sesha Sastry, Advocate, Shimoga.

K.N.R.4/15-12.

ANNEXED LIST.

Case.	Amount claimed.	Amount sanctioned	
		Mr.N.Seshasastry.	Mr.B. Krishna Rao.
	Rs.	Rs.	Rs.
1.Mis.53/25-26	District Court Shimoga. 85/-	60/-	25/-
2.Mis.10/28-29	-do- 10/-	5/-	5/-
3. " 19/29-30	-do- 43/-	15/-	28/-
4. " 20/29-30	-do- 137-8/-	40/-	97/8/-
5. " 61/29-30	-do- 45/-	15/-	30/-
6. " 14/30-31	-do- 30/-	10/-	20/-
7. " 15/30-31.	-do- 15/-	5/-	10/-
8. " 17/30-31	-do- 300/-	30/-	270/-
9. " 26/30-31	-do- 20/-	5/-	15/-
10. " 27/30-31	-do- 205/-	40/-	165/-
11. " 36/30-31.	-do- 20/-	5	15/-

For General Secretary to Government.

M.R.4/15-12.

G.R.S. App. F VI—G 2]

SUBJECT .....

.....

.....

Diary.No. of letter replied to .....

Section Law

File No. 41-32

Serial No. 10

General and Revenue Secretariat

( )

the *193*

Proceedings of the Government of His Highness the Maharaja of Mysore.

Date of issue 16/12/ 1932

Signed by .....

Read— Letter no. AS.C. 589/31-32 dated 24th Oct 1932 from the D.C. Shimoga forwarding certain bills of Mr. N. Sesha Sastry, Advocate Shimoga being remuneration claimed for professional services rendered by him as Ex-Pr. in the marginally noted Land acquisition Cases which are still pending ~~Order thereon. No.~~ on the file of the Dist. Judge, Shimoga

2. Letter no. AS.C. 589/31-32 dated 2nd Nov 1932 from the same officer submitting for sanction several bills of the Pr. Shimoga being remuneration for the work done Shimoga more Cases since disposed of.

(Vide ~~strike~~ mark in the above case noted in the margin)

May this be—

(i) printed ?

(ii) treated as a standing order ?

(iii) published in the Gazette, English Part ?

(iv) translated ?

(v) placed at the disposal of the press ?

(vi) published in the Gazette, Kannada Part ?

#1.	No. 53	28-26	Krishnamurthy	vs L.A. officer
2.	" 10	28-29	Balakrishna Rao	vs "
3.	" 19	29-30	C. Subba Rao	vs "
4.	" 20	29-30	Ramakrishnappa	vs "
5.	" 61	29-30	Lingojee Rao	vs "
6.	" 144	30-31	V. V. Iyer	vs "
7.	" 45	30-31	Basavangappa	vs "
8.	" 17	30-31	Khande Rao	vs "
9.	" 28	30-31	Mallappa	vs "
10.	" 27	30-31	Krishnamurthy	vs "
11.	" 36	30-31	A. Lakshmana Rao	vs "

15/12/32

Order :- P 3315-14

Govt are pleased to sanction the fees as appertained in the annexed list in view of the nature of the work done by each of the advocates.

Except in the Case for which the bills are submitted by the Pfr. Shimoga. the payment in the remaining Cases may be authorised as and when his bills duly Countersigned as received.

The D.C. Shimoga requested to point out direct to the Comptroller the Source out of which the Charges to be met.

List of Enclosure.

ISD 14/12

Jr General Secretary

To

The D.C. Shimoga with bills, order sheets.

Comptroller to Govt.

Mr. V. Sheshadry, Advocate, Shimoga.

Copied by

Examined by

	Case	Amount claimed ~~by each of them~~	Amount ~~allowed~~ Sanctioned ~~to~~ ~~Mr. V. Subba Sastry~~ Mr. V. Subba Sastry	~~Mr. B. K. Rao~~ Mr. B. Krishna Rao
1.	Mis 53/25-26 - Dt. Et. Shamp	85/-	✓ 60/-	25/-
2.	Mis 10/28-29 - " (Thumpasiddhi)	10/-	— 5/-	5/-
3.	" 19/29-30 - "	43/-	✓ 15/-	28/-
4.	" 20/29-30 - "	137-8-0	✓ 40/-	97/8/0
5.	" 64/29-30 - "	45-0-0	— 15/-	30/-
6	" 14/30-31 "	30-0-0	— 10/-	20/-
	" 15/30-31 "	15-0-0	✓ 5/-	10/-
	17/30-31 -	300-0-0	— 30/-	270/-
	26/30-31 -	20-0-0	— 5/-	16/-
	27/30-31 -	205-0-0	✓ 40/-	165/-
	36/30-31	20-0-0	— 5/-	15/-

Ce
26/11/32

84

Appendix F G—1]

SUBJECT .....

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Section Law

File No. 41-32

Serial No. 11

Diary No. of letter replied to .....

No. P 3557/Rev. Cir

To The D.C. Kadur.

Sir,

General and Revenue Secretariat

( )

the *193* .

With reference to your letter no. A7-1799-32/55 dated 10th Nov 1932 re: the remuneration claimed by Mr. V. Sesagiri, Advocate Shimoga, for the work done in certain Land acquisition Cases, I am directed to request that a statement of apportionment of fees between the two Advocates may kindly be prepared in view of the nature of the work done by each of them, and submitted for orders of Govt.

Date of issue 26/12/32

Signed by Sir C. Subramaniam Iyer

List of enclosures .....

Copied by Bilung(2) 28/12/32.

The bills of Messrs V. Sesha-Sastri and B. Krishna Rao are herewith sent for reference and return.

Examined by .....

I have etc

for Gen Sec'y

WD 71—GBPM—40,000—20-7-31.

SD 21/12

4610 pf 325

In reply please refer to—
No. A7-1722-32/35.

OFFICE OF THE DEPUTY COMMISSIONER,
KADUR DISTRICT.

Chikmagalur, dated.....27th February 1933.

FROM

N. Sundararaja Iyengar, Esquire, B.A.,
~~G.S. KUPPUSWAMI IYENGAR, Esquire~~
Deputy Commissioner,
Kadur District.

To

R. Ranga Rao, Esquire, B.A., B.L.,

GENERAL SECRETARY
28 FEB 1933
No. Pro

Secretary to the Government of His Highness
the Maharaja of Mysore,
.....General.....*Department,*
BANGALORE.

SIR,

With reference to your letter No.P.355/Law.41-32 dated 26th December 32 and subsequent reminder dated 16th Feb. 1933 requesting me to send a statement of apportionment of fees between Messrs B. Krishna Rao and N. Sesha Sastri of Shimoga, I have the honour to state that certain particulars regarding the suit amount in each of the Land Acquisition cases, conducted by them have been called for from the District Judge, Shimoga. On receipt of this information, the file of connected records with the statement required will be submitted for orders of Government.

I have the honour to be,

Sir,

Your most obedient servant,

P. Shamanna Setty
Treasury Assistant Commissioner,
For Deputy Commissioner,

Kadur District.
(Absent from Head Quarters).

AGA.

Subj: for perusal
Further report may be awaited

ISD
1/3

Sd/-

4782 1932

OFFICE OF THE DEPUTY COMMISSIONER,
SHIMOGA DISTRICT.

No. A5.C.589/31-32.

Encls:3.

Dated, Shimoga the 3rd M A R C H 1933

Law 41-32-12

FROM

GULAM MOHADIN MEHKRI, ESQ., B.A., LL.B.,
Deputy Commissioner,
Shimoga District.

To

R. RANGA RAO, ESQUIRE, B.A., B.L.,
General Secretary to Government,
BANGALORE.

GENERAL SECRETARY
4 MAR 1933
No. Law

SIR,

In forwarding herewith a copy of letter No.198 dated the 12th December 1932, from Mr. B.Krishna Rao, Public Prosecutor, Shimoga Division, requesting that his bill for Rs.413/- being the fees for defending the award in L.A.C. No.1/28-29 passed by the Treasury Assistant Commissioner and contested in Mis.case No.27 of 1930-31 on the file of the District Court, Shimoga (Viswanathiah & Shamanna Vs. Land Acquisition Officer, Shimoga), may be recommended for sanction, I have the honour to state as follows:

As this case had been conducted partly by Mr. N.Sesha Sastry, Ex. Public Prosecutor and partly by Mr. B.Krishna Rao the present Public Prosecutor, a recommendation was made in my letter No.A5. C.589/31-32 dated 31/7/1932 for sanctioning the payment of Rs.40/- to the former and Rs.165/- to the latter according to the amount of work rendered by them till then. This apportionment was sanctioned by Government in their order No.P.3315-17 Law-41-32-10 dated the 15/16th December 1932 and the Sub Division Officer has been asked to point out to the Comptroller the source from which the amount is to be met. The Public Prosecutor now reports that the case has been finally disposed of on 30/11/1932 rejecting the claim of the parties for a higher compensation and has sent a bill for Rs.413/- being the fees for conducting the entire case.

As

As the amount as per the first bill for Rs.205/- sanctioned in Government Order dated the 16th December 1932, has not yet been disbursed, I request that the present bill for Rs.413/- may be sanctioned, the amount being apportioned as follows:

Mr. N.Sesha Sastry .. Rs.40/- (as already approved by Government)

Mr. B.Krishna Rao .. Rs.373/-.

A copy of the order sheet in the case is enclosed for reference.

I have the honour to be,

S i r,

Your most obedient servant,

DEPUTY COMMISSIONER,
Shimoga District.

(atk-2).

In the court of the district judge, Shimoga.

Mis. No. 29/30-31.

Claimants	opponent
1. Viswanathiah 2. Shamanna	Vs Asst commissioner, Shimoga Sub-division

Copy of order-sheet.

21-10-30:- Reference received from the opponent in L.A.C. No. 1/28-29 of 14-10-30.
Issue notice to the parties by 4-12-30.

4-12-30:- Claimants 1+2 served with notice and intimation sent to the L.A. officer of the date of hearing in No. S7/16 of 31-10-30.

31-10-30:- On account of Chitaldroog Sessions adjourned to 22-12-30.

22-12-30:- 1st clt, 2nd clt } A.A.
L.A officer by
Statement not ready Adjd to 15-1-31.

15-1-31:- Clt by Mr A.A.
L.A. officer by Mr N.S.
Statement of claimants filed. Reply on 26-1-31.

26-1-31.- Clt by Mr A.A.
L.A. officer by Mr N.S.
Reply not ready. Adjd to 4-3-31.

4-3-31:- Clt by Mr A.A.
L.A.O. by Mr N.S.
Reply filed. Trial on 29-6-32. Ten days for documents if any.

29-8-31:- As the judge is on inspection tour. Adjd to 3-9-31.

3-9-31:- owing to Shimoga Sessions adjd to 6-1-32.

6-1-32:- Clt by Mr Venkatakrishnaiah for Mr A.A.
L.A.O. by Mr H.B.S. for Mr B.K.R. public prosecutor.
Claimant took out Summonses to 4 witnesses & one is served personally (1st witness) but the witness endorses his inability to attend as batta has not been paid to him etc.; witness No. 4 served on house as he refused to be served for want of batta. others served on house. No witness came. Last chance. Adjd to 1-6-32.

1-6-32:- No Steps taken on account of Chitaldroog Sessions. Adjd to 3-8-32.

3-8-32:- Clt by Mr 1 & 2 in person
L.A.O. by Mr
Clt took SS to 4 witnesses. SS not returned. 2 Said to have come. Sorry no time They will be paid batta. Adjd to 16-11-32.

16-11-32:- Clt by Mr A.A. & in person.
L.A.O. by Mr B.K.R.
PWs 1 & 2 examined. No more in attendance. Mr A.A. requests an adjournment to examine absent witnesses No Steps taken for to-day. I decline to grant an adjournment & close claimants case. Later one witness for claimants who is a party to Mis. 14/30-31 turns up. He is examined as PW 3. Judgment on 30-11-32.

30-11-32:- Notice was given at Head quarters that orders would be delivered at camp Chikmagalur to-day. order pronounced. Initials of the Lawyers to be taken.

N. K. Srinivasa Rao.
Dist Judge

40

No P 4929
Law 41-32-13

9th March 1933.
11

The

The Deputy Commissioner,
Shimoga District, Shimoga.

With reference to your letter No.A5.C.589/31-32 dated 3rd March 1933, forwarding a bill of the Public Prosecutor, Shimoga for a higher fees in Mis.27/30-31 on the file of the District Court, Shimoga, (Viswanathaiya -VS- Land Acquisition Officer, Shimoga), I am directed to request that a certified copy of the memo of costs showing the fee assessed in the above case may kindly be obtained and sent for orders of Government early.

I have the honour to be,

S i r,

Your most obedient servant,

For General Secretary to Government.

K.M.R.2/9-3.

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Appendix F G—1]

SUBJECT .....

.....

.....

Section Law

File No. 41-32

Serial No. 13

Diary No. of letter replied to .....

No. P. 4929/-

To The Deputy Comr.

Sir, Shimoga

General and Revenue Secretariat

( )

the *193*

with reference to your letter no. As.C. 559/31-32 dated 3.3.33 forwarding a bill of the Pbr Shimoga for a higher fee in Mis. 27/30-31 on the file of the Dy. Cr. Shimoga (Viswanatharaya vs A.A.C. officer, Shimoga). I am directed to request that a certified Copy of the memo of Costs showing the fee assessed ~~stated~~ in the above Case may kindly be obtained and sent for orders of Govt. early

Date of issue 1/3/33

Signed by M.R.K. Rao

List of enclosures.....

Copied by 4/3/33

Examined by.....

I have seen

BSV 8/3

BVP 8/3 for Gen Secy

5643 42

No. A5c.589/31-32
Encls.3

OFFICE OF THE DEPUTY COMMISSIONER,
SHIMOGA DISTRICT,

Dated, Shimoga the 21st April 193 3

Law 41-32-14

FROM

GULAM MOHADIN MEHKRI, ESQ., B.A., LL.B.,
Deputy Commissioner,
Shimoga District.

To

H.V. RAMASWAMI, ESQUIRE, M.A., B.L.,
General Secretary to Government,
BANGALORE.

GENERAL SECRETARIAT
27 APR. 1933
No. Law

SIR,

MIS. No.27/30-31 on the file of the District Judge, Shimoga.
(Vishwanathiah VS. The Land Acquisition Officer,
Shimoga.)

****

With reference to your letter No.P.4929 Law.41-32-13 dated the 11th March 1933, calling for a certified copy of the memo of costs - showing the fee assessed by the District Judge in the above case, I have the honour to forward herewith a copy of the memo of costs received from the District Judge with his letter No.To. Mis.4624/925 dated the 24th March 1933, together with a copy of the letter No.295 dated the 13th April 1933, received from the Public Prosecutor, Shimoga - Division, explaining the circumstances under which a bill for Rs.413/- has been submitted by him in the above case.

I have the honour to be,
S i r,
Your most obedient servant,

FOR DEPUTY COMMISSIONER,
Shimoga District.

atk)1.

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IN THE COURT OF THE DISTRICT JUDGE AT SHIMOGA DISTRICT.

Civil Miscellaneous case No.27 of 1930-31.

--

Claimants:-- Opponents:--

Viswanathiah and another. - Vs. - Land Acquisition Officer, Shimoga.

MEMO OF COSTS INCURRED BY PARTIES.

	By the claimants:	By the Land Acquisition Officer.
Court fee on application.	..	..
Court power of attorney.	0--8--0	0---8---0
Court serial applications.	0-12--0	...
Court processes.	1--9--0	...
Witness batta.	4---8--0	...
Advocate's fee.	7---0--0	7---0---0
Total Rupees:--	14--5---0	7---8---0

It is ordered that the claimants 1 and 2 do pay Rs.7-8-0 only to the Land Acquisition Officer, being the costs incurred by the latter.

Sd/- M.P. SRINIVASA RAO,

District Judge,

5/12/1932.

" C O P Y."

FOR DEPUTY COMMISSIONER,
Shimoga District.

atk).

OFFICE OF THE PUBLIC PROSECUTOR.

No.295/1- Shimoga Division,

Shimoga, the 13th April 1933.

From

The Public Prosecutor,

Shimoga Division,

Shimoga.

To

The Deputy Commissioner,

Shimoga District, SHIMOGA.

Sir,

With reference to your letter No.A5.c.589/31-32 dated the 5th April 1933 in the matter of the bill of fees submitted by me for professional services rendered on behalf of Government in Mis.27/30-31 on the file of the District Court (Viswanathiah etc., Vs. Land Acquisition Officer, Shimoga), I have the honour to forward for your perusal a copy of my letter No.152 dated the 22nd October 1932 addressed to the General Secretary to Government Of Mysore in the same matter and to state that memo of costs assessed by the District Judge in this case affords no basis for fixing the fees due to me.

2. The minimum fee payable on account of fees of Advocate and Pleaders in any suit in a District Court is Rs.7/- under Rule15 (c) printed at page 17 chapter II (legal Practioner) of general rules and orders Vol. I, and under rule 28, the maximum fee that is permissible for the court, to award in Miscellaneous proceedings is Rs.50/- (vide page 18) and the said rules should be deemed to have been framed under section 22 of the Mysore Legal Practimmmrtioner 's Regulation and relate only to the fees payable by any party in respect o his adversary's Legal practitioner upon all proceedings in the Chief Court and Courts subordinate thereto, so that the memo of costs assessed by the courts in this case only determines what fee is payable by ~~w~~ each party to the other towards adversary advocates remuneration and it does not settle and afford no basis for settling the fee payable by the Land Acquisition Officer to his own advocate and it should also be noted that the court is powerless to assess more than

Rs.50/- in a Miscellaneous case as fee payable by a party to his Adversary as his Advocate's fee as per rules now in force.

3. Now, as regards the fee which is actually payable by a party to a suit to his own advocate, it is governed by the terms of the agreement entered into between them as provided in section 23 of the Legal Practitioners' Regulation. Section 24 of the said regulation provides for the case where a suit is instituted on the basis of a written agreement entered between the party and his counsel and section 25 provides for the agreed amount being reduced in cases where the agreement is proved to be not fair and reasonable and in cases, where there is no agreement at all and those in which the contract is purely verbal, the various High Courts have held that the fee payable by a party to his own advocate is a fair and reasonable amount, calculated on the basis of quantum merit.

4. Public Prosecutors are entitled to fees under rule 56 (1) of the rules framed for the conduct of the legal affairs of the Government for duties other than those for which they are paid salary and under rule 56 (2) b. the remuneration due to him for conducting or defending a Civil Suit or proceeding which will ordinarily be the maximum amount calculated according to rates of costs of suit assessable by the Court unless an additional sum is sanctioned by the Government in consideration of the exceptional importance and difficulty of the case and this is the amount calculated on the advalorum basis at 5 per cent on the value of the subject matter where it is not more than Rs.5,000/-. It should be noted that the expression used is "assessable" and not assessed. The provision, for an additional sum being sanctioned by the Government on account of the exceptional importance and difficulty of the case, is further significant and indicative of the inferance that the fee calculated on the advalorum basis is the minimum fee and not the maximum.

5. Again, there are other considerations which manifestly renders the memo of cost assessed by the court entirely inapplicable to the fee payable by the Government to the Government Pleaders and prove its application as unjust and inequitable. There have been cases in which the Court has directed each party to bear his

own costs (for example Mis.53/25-26 Krishnaradhya Vs.Land Acquisition Officer, Shimoga) and there are other cases in which the Court has enhanced the amount of compensation payable by the Land Acquisition Officer. And in none of those cases, as per memo of costs assessed by the Court, the Land Acquisition Officer is entitled to recover anything from the claimants towards his counsel's fee and if the Government Pleaders' remuneration is to be fixed with reference to the costs taxed by the Courts, they are entitled to get nothing towards their remuneration and I do not think the Government provided for such a contingency in framing the above rule 56 (2) b. Again, though a reference to the District Court under the Land Acquisition Regulation is treated as miscellaneous proceeding for the purpose of the particular civil court register in which it is to be entered and numbered, yet, a party who is aggrieved by the dicision of the District Court in that proceeding has got a right of appeal to the High Court. The appeal in the latter court is registered as a regular appeal and the aggrieved party has to pay court fee therefor on the advalorum basis on the difference between the amount decreed in the District Court and the higher amount claimed by the aggrieved litigant The amount to be allowed on account of Advocate's and Pleader 's fees in appeal shall, as per rule 31 under chapter II (~~xxxxx~~ legal Practitioners) be calculated on the same scale as in original suits (i.e. on the advalorum basis) and the principles of the rules relating to original suits shall be applied as nearly as may be to appeals, so that, when the Government Advocate appears on behalf of the Land Acquisition Officer in an appeal before the High Court, the amount to be allowed to the latter on account of his Advocate's fees will be calculated on the advalorum basis under rule 31.

6. Rule 35 (2) (b) of the rules framed for the conduct of Legal affairs, which relates to the fee payable by the Government to the Government advocate for professional services rendered is similarly worded along with rule 56 (2) (b) which appertains to the fees due to the Public Prosecutor for conducting Civil work on behalf of Government and there is nothing in principle, reason and justice why when an advocate who does work for the Government in an appeal before the High Court, against the order of the District Judge in a

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Land Acquisition case, should get fees on the advalorum basis on the subject matter and why another advocate who does work for the Government in the District Court in the very same proceedings, which has given rise to the said appeal, should not get fees on the same scale, especially, in view of the exact wording of the two rules applicable to them and also in view of the latter 's task being in no way less onerous and less difficult than that of the former.

7. The difficulty apparently seems to be due to the wording of rule 28 under Chapter II under which the court is unable to assess more than Rs.50/- in a miscellaneous proceeding towards the fee payable by a party towards his adversary's legal practitioner and this rule prevents the Land Acquisition Officer from recovering more than the maximum amount of Rs.50/- from his adversary towards the Government Pleader 's fees whatever higher amount is paid by him towards the same. But that has nothing to do with the actual amount which the Government Pleaders can recover and which they have all along being recovering on the advalorem basis under rule 56 (2) (b). But, the said difficulty, could be got over by substituting for the words "and in miscellaneous and Insolvency proceedings" in rule 28 of Chapter II, words to the effect " and in Insolvency proceedings and miscellaneous cases excepting the references under the Land Acquisition Regulation " and this is a matter which is within the power of the High Court under section 22 of the Mysore Legal Practitioners' Regulation.

8. It is by a clerical mistake of my office that a second bill has been submitted along with my letter No.260 dated the 24th March 1933. I request you to treat it as merely a duplicate and to have the original bill submitted along with my letter No.198 dated the 12th December 1932, sanctioned by the Government early.

I have the honour to be,
Sir,
Your most obedient servant,

Sd/- B. KRISHNA RAO,
PUBLIC PROSECUTOR.

Shimoga 10/4/1933.

" COPY."

FOR DEPUTY COMMISSIONER, SHIMOGA.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. G [illegible] 74/ — 15

Dated, Bangalore, 13th May 1935.

From

The *General Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Registrar,
High Court of Mysore,
Bangalore.

Sir,

I am directed to bring to the notice of the High Court that it is learnt that in the Shimoga District Court, in the Land acquisition proceedings, the advocate's fee is assessed in the memo of costs at a fixed sum not exceeding Rs. 50/-, whatever the amount of the claim may be, but that in similar cases, in the Bangalore and Mysore Courts, the fee is assessed on the ad valorem basis just as in civil suits. I am to enquire whether this is a fact and if so whether it is not desirable to have a uniform practice in all the three Divisions of the State.

I have the honor to be,

Sir,

Your most obedient servant,

For General Secretary to Govt

c.n.

Appendix F G—1]

SUBJECT .....

.....

.....

Diary No. of letter replied to .....

General and Revenue Secretariat

( )

the 193 .

Date of issue 15/5/33

Signed by .....

List of enclosures .....

Copied by .....

Examined by .....

Section

File No.

Serial No.

No P - 5941

To The Registrar
High Court

Sir,

I am directed to bring to the notice of the High Court that it is learnt that in the Shimoga District Court, in the Land acqn proceedings, the advocate's fee is assessed in the memo of costs at a fixed sum not exceeding Rs 50/-, whatever the ~~claim~~ amount of the claim may be, but that in similar cases, in the Bangalore & Mysore Courts, the fee is assessed on the ad valorem basis just as in Civil suits. I am to enquire whether this is a fact and if so

whether it is not desirable to
have a uniform practice in all the
three Divisions of the State.

Thanks etc

MP
6/5/33

Yours sincerely.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. A. CC 31 / 32-33 / Law 41-3215

Dated, Bangalore, 18th May 1933.

From

The *General Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Deputy Commissioner,

Shimoga District.

Sir,

Mis. No. 27/30-31 on the file of the District Judge, Shimoga (Vishwanathaiya Vs. Land Acquisition Officer, Shimoga.)

With reference to the correspondence ending with your letter No. A.5.C. 589/31-32, dated 21st April 1933, re. the Shimoga Public Prosecutor's bill for enhanced fee in the above case, I am directed to state that the fee assessed by the Court is only Rs. 7/- and that if the decision in the case had been brought to the notice of Government in time, the High Court could have been moved by way of appeal or revision to revise the assessment on the ad valorem basis.

Since it is now too late to adopt this procedure, the decision of the District Court, Shimoga, has to be accepted. In view of these circumstances, I am to state that Government regret they cannot sanction the higher fee now claimed by the Public Prosecutor, Shimoga.

The Public Prosecutor's bill sent with your letter No.A.5.C. 589/31-32, dated 3rd March 1933 is hrewith returned.

I have the honor to be,
Sir,
Your most obedient servant,

(Sd.) H.V. Ramasvami,

General Secretary to Government.

Memo No. 20032/- Bangalore, datedthe 18th May 1933.

Copy of the above is forwarded with compliments to the Public Prosecutor, Shimoga. He is requested to move the District Court,

Shimoga, in any similar case which may arise hereafter to assess the fee on the ad valorem basis and if a decision against Government is given, to report the matter in time to move the High Court according to law.

By Order,

For General Secretary to Government.

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Appendix F G—1]

SUBJECT.....

.....

.....

Section Law

File No. 41-32

Serial No. 15

Diary No. of letter replied to .....

No. P 6031/Enl/Bill.

To

The D.C. Shimoga.

General and Revenue Secretariat

( )

the *193* .

Mis. no. 27/30-31 on the file of the Dist. Judge, Shimoga (Kishwanathaiya vs A. Acct. officer, Shim

Date of issue 19/5/33

Sir,

Signed by .....

With reference to the Correspondence ending with your letter no. ATC. 589/31-32 dated 21st April 1933 re: the Shimoga PP's bill for enhanced fee in the above case, I am directed to state that if the decision in the Case had been brought to the notice of Govt in time, the H. Ct. could have been moved by way of appeal or revision to revise the assessment on the advalorem

~~Direct that~~ the fee assessed by the Court is only Rs 7/- and that

List of enclosures.....

Copied by.....

Examined by .....

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basis.

Since it is now too late to adopt this procedure, the decision of the Dist. Court. Shimoga has to be accepted. In view of these circumstances, I am ~~not~~ to state that Govt regret they cannot sanction the higher fee now claimed by the Pbr. Shimoga.

The Pbr's bill sent with Your Memo no. Ar.C. 589/31-32 dated 3.3.33 is herewith returned.

I have etc

MP
16/5 for Govt see'

ISD
16/5

'No P 6032 dated 19/5/33

Copy of the above is forwarded to the Pbr. Shimoga. He is requested to move the Dt. Ct. Shimoga in any similar Case which may arise hereafter to assess the fee on the Advalorem basis and if a decision against Govt is given to report the matter in time to move the H.Ct. according to law

B. O

MP
16/5 for Govt see'

94/33/5

Ag. C. 589/31.32. enclosures.

Office of the Deputy Commissioner
Shimoga District
Shimoga the 6th July 1933

Memo — forwarding with its enclosures

The letter referred to overleaf is herewith forwarded, with compliments, as desired therein.

for Deputy Commissioner
Shimoga District
6.7.33

To.
The General Secretary to Government
of Mysore
Bangalore

GENERAL SECRETARIAT
7 JULY 1933
No. 1510

10/6.7.33

DM
7.7.33

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. P 388.

Dated, Bangalore, 1st July 1933.

From

The *General Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Deputy Commissioner,
Shimoga District.

Sir,

I am directed to invite reference to the Government Order No.P.6627-2-J Law.41-32-16 dated 27th June 1933 sanctioning an additional fee of Rs.30/- to the Public Prosecutor, Shimoga in His.36/30-31 on the file of the District Court, Shimoga. I am directed to state that your letter No.A5.C.589/31-32 dated 14th June 1933 -- addressed to Government has been returned along with the bill by mistake, and to request that the same may kindly be returned for reference here.

DEPUTY COMMISSIONER 5 JUL 1933 SHIMOGA DISTRICT

I have the honour to be,
Sir,
Your most obedient servant,

Mysore Rao

for General Secretary to Government.

TSD

6548/32

OFFICE OF THE DEPUTY COMMISSIONER,
SHIMOGA DISTRICT.

No. A.5.C.589/31-32.

Dated, Shimoga 14th June 1933.

FROM

T. V. A. ISVARAN, ESQ., B.A.,
Deputy Commissioner,
Shimoga District.

GENERAL SECRETARY
19 JUNE 1933
No. 920

TO

H.V.RAMASWAMI, ESQUIRE, M.A., B.L.,

General Secretary to Government of Mysore,

BANGALORE.

SIR,

In forwarding herwith a copy of letter No.260/2 dated the 24th March 1933 from Mr.B.Krishna Rao, Public Prosecutor, Shimoga Division -- requesting that his bill for Rs 191-0-0 being the fees for defending the award in L.A.C.No.2 of 1928-29 passed by the Treasury Assistant Commissioner and contested in His case No.36 of 30-31 on the file of the - District Judge, Shimoga (A.Lashmana Rao Vs.Land Acquisition officer, Shimoga) may be recommended for sanction, I have the honour to state as follows.

As the case had been partly conducted by Mr.Seshasastry, Ex-Public Prosecutor and partly by Mr.B.Krishna Rao, the present Public - Prosecutor, a recommendation was made in this office letter No.A5.C.589 of 31-32 dated 27-8-32 for sanctioning the payment of Rs 20/- to Mr.B. Krishna Rao, according to the amount of work rendered by them till then. The marginally noted apportionment of fees was sanctioned by Government in their order No. P. 3315-17/Law. 41-32-10 of the 16th December 1932 and the General Manager, Mysore Iron Works, Bhadravathi has been requested to point out the source to the Comptroller from which the amount is to be met. The Public Prosecutor now reports that the case has been finally disposed of rejecting the claim of the parties for a higher compensation and has sent a bill for Rs 191/- being the fees for conducting the entire case.

Rs 5/- to Mr. N. Sheshasastri.
Rs 15/- to Mr. Krishna Rao.

A copy of the memo of costs assessed by the District Judge in this case, received with the District Judge's letter No. 5170/1536 dated the 20th May 1933 is also enclosed herewith for favour of reference. The District Judge has awarded in the decree a sum of Rs 50/- as Advocate's fee. A sum of Rs 5/- has been already ordered by Government to be paid

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to Mr. Sheshasastri. The balance of the amount viz., 45/- may be paid to Mr. B. Krishna Rao.

The bill referred to above is enclosed herewith for reference.

I have the honour to be,
Sir,
Your most obedient servant,

For Deputy Commissioner,
Shimoga District.

KSR/14-6

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Letter No.260 dated 24th March 33 from the Public Prosecutor, Shimoga Division, Shimoga to the Deputy Commissioner, Shimoga.

Subject: I. Mis.38/30-31 on the file of District Court, Shimoga.
(A. Lakshmana Rao Vs. Land Acquisition Officer).
2. Mis.27/30-31 on the file of District Judge.
(Viswanathiah & Shamanna Vs. Land Acquisition Officer

I have the honour to forward herewith my bills of fees for remuneration due for conducting the Land Acquisition Cases noted above which have been disposed of by rejecting the claim for enhanced compensation and to request you to kindly get them sanctioned, by the Government.

I further request that before they are forwarded that before they are forwarded to the Government the figures noted in them may be got verified by the District Court.

Copy.

For Deputy Commissioner,
Shimoga District.

Missing D.C.'s letter no A5.c.
589/31-32 dated 14th June 1933
is to be got back.

60

IN THE COURT OF THE DISTRICT JUDGE AT SHIMOGA.

Miscellaneous Case No. 36 of 1930-31.

Claimant:- Opponent:-

A. Lakshmana Rao. VS. Land Acquisition Officer, Shimoga.

MEMO OF COSTS INCURRED BY PARTIES.

		By the claimant.	By the Land Acquisition Officer.	Remarks.
Court fee on application.	Rs	-	-	
" Vakalath.	Rs	0- 8- 0	0- 8- 0	
" Serial Application.	Rs	0-12- 0	-	
Advocate's fee.	Rs	50- 0- 0	50- 0- 0	
Total.	Rs	51- 4- 0	50- 8- 0	

It is ordered that the Land Acquisition Officer, Shimoga, do get a sum of Rs 50-8-0 from the claimant.

sd/- H.V. Krishnaswami,
District Judge.,
Shimoga Dvn.

"Copy"

For Deputy Commissioner,
Shimoga District.

KSR/14-6

Letter No. 5170/1536 dated 20th May 1933 from the District Judge, Shimoga Division, to the Deputy Commissioner, Shimoga District.

**

With reference to your No. A5.C. 589/32-33 dated 27th April 1933, I have the honour to forward herewith a copy of the memo of costs in Miscellaneous case No. 36 of 1930-31 on the file of this court, and to state that the Rs 5,000/- was claimed by the petitioner Lakshmana Rao as compensation for the acquisition. The claim of the party was rejected in full in this court and the amount awarded by the Land Acquisition Officer, Shimoga, stands good now.

Information as to the amount awarded by the Land Acquisition Officer, is not available for the present, as the acquisition record L.A. case No. 2 of 28-29 has been submitted to the High Court for reference in M.A. 24 of 32-33 of High Court in this office No. 2791/510 dated 28-1-1933.

The bill of the Public Prosecutor is also herewith returned.

**

"Copy"

For Deputy Commissioner,
Shimoga District.

KSR/14-6

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PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

Read:—

Government order No. .331-17 Law 41-32-10 dated 16th December 1932 sanctioning a fee of Rs.15/- to the Public Prosecutor, Shimoga and Rs.5/- to Mr. N. Seshasastry, Advocate, Shimoga, for the work done in Mis.36/30-31 on the file of the District Judge, Shimoga (A.Lakshman Rao Vs Land ~~Revenue~~ acquisition Officer) Land acquisition Proceedings

Letter No. I-D.C. 560/31-32 dated 14th June 1933 from the Deputy Commissioner, Shimoga, forwarding a bill for Rs.191-0-0 of the Public Prosecutor, Shimoga, being remuneration claimed for professional services rendered in the above case, and recommending in the circumstances stated that out of the Advocate's fee of Rs.50/- assessed by the Court the Public Prosecutor, Shimoga may be given a fee of Rs.45/- the remaining sum of Rs.5/- having been already ordered to be paid to Mr.N. Seshasastry.

Order No. P6627—29 Law 41-32-16

Smell(3)

Date, Bangalore, 27th June 1933.

Government are pleased to sanction the payment of a fee of Rs.30/- in addition to the fee of Rs.15/- sanctioned in the Government order read above, to the Public Prosecutor, Shimoga in full settlement of his claims for services rendered in Mis.36/30-31 on the file of the District Judge, Shimoga. The Deputy Commissioner is requested to see that necessary action is taken in time to recover the amount due to Government under the decree.

By

Secretary to Government.

To

The Deputy Commissioner, Shimoga with the bill,
The Comptroller to Government,
The Public Prosecutor, Shimoga.

[G.R.S: App. F VI—G 2]

16 62

SUBJECT .....

.....

.....

Diary No. of letter replied to .....

General and Revenue Secretariat

( )

the *193* .

Date of issue 27.6. 1933.

Signed by Mr N.R.J.

May this be—

(i) printed ?

(ii) treated as a standing order ?

(iii) published in the Gazette, English Part ?

(iv) translated ?

(v) placed at the disposal of the press ?

(vi) published in the Gazette, Kannada Part ?

Section Law

File No. 41-32

Serial No. 16.

Proceedings of the Government of His Highness the Maharaja of Mysore.

Read— G.O. no. P. 3315-17 Law 41-32-10 dated 16th Dec 1932 sanctioning a fee of Rs 15/- to the PBr. Shimoga, and Rs 5/- to Mr N. Subbarao, Advocate Shimoga, for the work done in Mis. 36/30 31 on the file of the District Judge Shimoga

~~Order thereon.—Nil~~ (A. Lakshman Rao vs L.A. Off) Land acquisition Proceedings.

Letter no. A.S.C. 58 9/31-32 dated 14th June 1933 from the D.C. Shimoga, forwarding a bill for Rs 191-00 of the PBr. Shimoga being the remuneration claimed for professional services rendered in the

64

above Case, and recommending in the Circumstances stated, that out of ~~Rs 50~~ the Advocate's fee of Rs 50/- awarded by the Court, the Pr. Shimoga may be given ~~paid~~ a fee of Rs 45/-, and the remaining Sum of Rs 5/- having been ~~being~~ already ordered to be ~~paid~~ given to Mr. V. Seshasastry.

order:— P6627-29.

~~The Govt~~ Govt are pleased to sanction the payment of a fee ~~to approve the recommendation of the D.C. Shimoga and direct that the Pr. Shimoga may be paid a fee of Rs 45/- in~~ of Rs 30/- in addition to the fee of Rs 15/- sanctioned in the Govt order read above, to the Pr. Shimoga in full settlement of his claim for services rendered in Mis. 36/30-31 in the file of the Dt. Judge, Shimoga: ~~and the~~ The D.C. Shimoga is requested to ~~take~~ take necessary action in the matter to recover the amount due to Govt under the decree.

List of Enclosure

Copied by

Examined by

By order,
24/6 General Sec[y]

181
25/8

To.

The D.C. Shimoga with the (encls. three)

~~Comptroller to Govt~~

The Pr. Shimoga

WD 73—GBPM—20,000—10-8-31.

66:5 2305

OFFICE OF THE DEPUTY COMMISSIONER,
KADUR DISTRICT.

In reply please refer to—
No. A7-1799-32/55.

Chikmagalur, dated 19th June 1933.

Enc. 1 Statt and 10 bills.

Law 41-32-17

FROM N. Sundararaja Iyengar, Esquire, B.A.,
Deputy Commissioner,
Kadur District.

To

H.V. Ramasvami, Esquire, M.A., B.L.,

Secretary to the Government of His Highness
the Maharaja of Mysore,
General *Department,*
BANGALORE

GENERAL SECRETARY
22 JUNE 1933
No. two

Early
DOR 21/6

SIR,

I have the honour to forward herewith a statement showing the particulars of fees due in each case and the proportion in which the total fee payable in each case might be apportioned between Messrs. Seshasastri and B.Krishna Rao the previous and the present Public Prosecutors respectively, to whom the cases were referred for being conducted on behalf of Government. Cases Nos. 1, 2 and 3 have been finally disposed of and the apportionment of fees might be made as indicated in columns 8 and 9 of the Statement. In these three cases 1/3rd of the amount has been awarded to Mr. Seshasastri as he has done some work in accordance with the recommendation made in this Office No. A7-1799-32/55 dated 10th Nov.32. In the remaining 4 cases, which have not yet been brought to conclusion the fee in each case is fixed to Mr. Seshasastri at one-fourth in accordance with the recommendation made in this Office No.A7-1799-32/55 dated 10th November 1932, the balance being payable to Mr. B. Krishna Rao after the conclusion of these cases.

In Mis. 85/28-29 Mr. Seshasastri has claimed a sum of Rs 372/- as his fee as per rates mentioned in Section 25 Page 17 Vol. I of Civil Procedure Code. The District Judge in his memo of costs has allowed only a sum of Rs 50/- treating this as a miscellaneous case. In miscellaneous cases the ~~minimum~~ maximum fee allowed is Rs 50/- only as per Section 28 page 18 of the Civil Procedure Code.

In the last 4 cases which are still pending the fee payable in each

66

each case has been fixed as per terms of Section 25 of the Civil Procedure Code assuming that all these cases will be treated as regular cases for purposes of fees; but should they be treated as Miscellaneous cases the fee will have to be proportionately reduced and the excess will become refundable. This aspect of the matter will have to be taken into consideration in respect of the last four cases.

The ten bills received with your letter are herewith sent.

I have the honour to be,

Sir,

Your most obedient servant,

Deputy Commissioner,

Kadur District.

AGA.

Statement showing the details of amount due to Messrs. N. Seshasastri, Advocate and B. Krishna Rao, Public Prosecutor Shimoga, for having conducted Land Acquisition Cases in the District Judge's Court at Shimoga.

Sl. No.	Case No. on the file of District Judge, Shimoga.	Name of the Parties.	Amount claimed by the party before the Land Acqn. Officer.	Amount awarded by the Land Acquisition Officer.	Difference.	Amount of fees as per para 25 Chapter II Page 17, Vol. I Civil Pro. Code.	Amount that may be paid to Mr. Seshasastri.	Amount that may be paid to Mr. B.Krishna Rao.	Details of work done.	Remarks.
1	2	3	4	5	6	7	8	9	10	11
1.	Mis. 85/28-29.	B.S.Ameer Ahmed Vs, Land Acquisition Officer, Tarikere.	14000/-	1687-8-0	12312-8-0	396/- * 50/-	16-10-8	33-5-4.	Vide this Office letter No. A7-1402-31 dated 24-3-1932.	
2.	Mis. 7/29-30.	Veeregowda Vs, Land Acqn. Officer, Chikmagalur.	100/-	34-0-0	66-0-0	7/- @	2-5-4	4-10-8		
3.	Mis. 2/29-30.	Venkata Rao Vs, Land Acqn. Officer, Tarikere.	800/-	500-0-0	300-0-0	7/-	2-5-4	4-10-8		
4.	Mis. 6/30-31.	T.C.Basappa Vs, do	1500/-	567-0-0	933-0-0	47/-	11-12-0			
5.	Mis. 26/30-31.	Puttasamiah Vs, do Chikmagalur.	2500/-	700-0-0	1800-0-0	90/-	22-8-0			
6.	Mis. 15/28-29	C.P. Basavegowda Vs, do	25000/-	14000/-	11000-0-0	370/-	92-8-0			
7.	Mis. 90/28-29.	L.M.G.Vas, Vs, do	31668/-	7500/-	24168-0-0	591/-	147-12-0			

* Mr. Seshasastri has claimed Rs 396/- only a sum of Rs 50/- is allowed by the District Judge in the memo of costs and the apportionment is made on this sum.

@ These three cases have been finally disposed of and the total fee is fixed payable in each case by the District Judge in the memo of cost.

Chikma galur, dated, 19th June 33.

Deputy Commissioner, Kadur District.

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS

THE MAHARAJA OF MYSORE.

R e a d:-

Correspondence ending with letter No.A7-1799-32/55 dated 19th June 1933 from the Deputy Commissioner, Kadur forwarding for sanction certain bills of the Public Prosecutor Shimoga and of Mr. Sesha Sastry, Advocate, Shimoga, being remuneration claimed for professional services rendered by both in the marginally noted land acquisition cases on the file of the District Judge, Shimoga and --

1.	Mis	85/28-29	(B.S.Ameer Ahmed	Vs.Land Acqn. Officer)	recommending -
2.	"	7/29-30	(Veeregowda	Vs ")	that the fee -
3.	"	2/29-30	(Venkata Rao	Vs ")	
4.	"	6/30-31	(T.C.Basappa	Vs ")	might be ap-
5.	"	26/30-31	(Puttaswamaiya	Vs ")	
6.	"	15/28-29	(C.P.Basavegowda	Vs ")	portioned as per
7.	"	90/28-29	(L.M.G.Vas	Vs ")	statement sent.

****

O R D E R No. P 196-95 Rev 4/32-18

Dated/Bangalore the 8th July 1933.

In the first three cases which are reported to have been disposed of, Government are pleased to direct that the fee assessed by the Court be divided equally between Messrs B.Krishna Rao and N.Sesha Sastry, as shown in the list herewith annexed.

As regards the remaining 4 cases which are said to be still pending sanction is accorded to the payment of a fee of Rs. 25/- for each case, that is a total fee of Rs. 100/- to Mr. N.Sesha Sastry in full settlement of his claims in respect of these cases. The Deputy Commissioner Kadur is requested to point out direct to the Comptroller the source out of which the entire charge is to be met.

For General Secretary to Government.

To

The Deputy Commissioner, Kadur.

The Comptroller to Government.

c.n.

Statement showing the details of the amount due to Messrs. N.Sesha Sastry and B.Krishna Rao, Public Prosecutor, Shimoga, for having conducted land acquisition cases in the District Court, Shimoga, ~~for having conducted land acquisition cases in the District Court, Shimoga.~~

Sl.No.	Case	Parties	Fee assessed by the Court.	Amount to be paid to Mr.Sesha Sastry.	Amount to be paid to Mr.B.Krishna Rao.
1.	Mis 85/28-29	(B.S.Ameer Ahmed Vs(L.Acqn Officer).	Rs. 50- 0- 0	Rs. 25-0-0	Rs. 25-0-0
2.	" 7/29-30	(Veeregowda Vs. ")	7-0- 0	3-8-0	3-8-0
3.	" 2/29-30	(Venkata Rao Vs. ")	7-0- 0	3-8-0	3-8-0
4.	" 6/30-31	(T.C.Basappa Vs. ")	Pending cases	25-0-0	To be settled after the disposal of the cases.
5.	" 26/30-31	(Puttaswamaiya Vs ")		25-0-0	
6.	" 15/28-29	(C.P.Basavegowda Vs ")		25-0-0	
7.	" 90/28-29	(L.M.G.Vas Vs ")		25-0-0	
				Total 132-0-0	32-0-0

MPRaRao

For General Secretary to Government.

ISD

G.R.S. App. F VI—G 2]

SUBJECT .....

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Diary No. of letter replied to .....

Section Law

File No. 41-32

Serial No. 18

General and Revenue Secretariat

( )

the 193 .

Proceedings of the Government of His Highness the Maharaja of Mysore.

Date of issue 11/7/ 1933

Signed by Jas M. J. Rao

Read—

Correspondence ending with the letter no. Ay-1799-32/33 dated 19 June 1933 from the D.C. Kadur forwarding for sanction certain ~~accts~~ bills of the Pbr. Shimoga and of Mr. N. Seshadry, Advocate, Shimoga, being remuneration claimed for ~~Order thereon.—No.~~ professional services rendered by him in the marginally noted land acquisition case on the file of the Dt. Judge, Shimoga, and recommending that the fee might be ~~suggested~~ ~~a Statement of apportionment~~ apportioned as per statement sent ~~in respect of fee between the two~~

~~Advocates~~

May this be—

(i) printed

(ii) treated as a standing order ?

(iii) published in the Gazette, English Part ?

(iv) translated ?

(v) placed at the disposal of the press ?

(vi) published in the Gazette, Kannada Part ?

1 Mis. 85/28-29 (B.S. Anantharao vs L.A. officer)
2. Mis 7/29-30 (Veeregowda vs ")
3. Mis 2/29-30 (Venkatarao vs ")
4. Mis 6/30-31 (T.C. Basappa vs ")
5. Mis 26/30-31 (Puttaswamaiya vs ")
6. Mis 15/28-29 (C.B. Basavegowda vs ")
7. Mis. 90/28-29 (L.M.S. Rao vs ")

Order : Mop 194-95

In the first three cases which are reported to have been disposed of, Govt are pleased to direct that the fee awarded by the Court be divided equally between the two Advocates Messrs. B. Krishna Rao and V. Sesha Sastry, as shown in the list herewith annexed.

As regard the remaining 4 cases which are said to be still pending, the claim is acceded to and the payment of a fee of Rs 25/ each in all for each case, that is a total fee of Rs 100/- to Mr. V. Sesha Sastri in full settlement of his claims in respect of these cases.

The D.C. Kadur is requested to punish and direct to the Comptroller the Service out of which the entire charge is to be met.

List of Enclosure.

100
7/7

JM
7.7.33
Genl Sec.y

To

The D.C. Kadur

Comptroller

Copied by

Examined by

Statement showing the details of the amount due to Messrs. N. Shasaly and B. Kothna Rao, Adv. Shimoga, for Conducted land acquisition cases in the District Court, Shi...

	Case	Parties	Fee owned by the Court	Amount to be paid to Mr. Sesha Sastry	Amount to be paid to Mr. B. Kothna Rao
1.	Mis. 85/28-29.	(B.S. Ameerahmed vs L.A. officer)	Rs 50-0-0	Rs 25-0-0	Rs 25-0-0
2.	Mis 7/1930	(Veeregowda vs ")	7-0-0	3-8-0	3-8-0
3.	Mis 7/1930	(Venkatarao vs ")	7-0-0	3-8-0	3-8-0
4	Mis 6/30-31	(T.C. Basappa vs ")		25-0-0	To be Settled after the Disposal of the cases.
5.	Mis 26/30-31	(Puttaswamaiya vs ")	Stay pending cases.	~~100~~ 25-0-0	
6	Mis 15/29-30	(C.P. Basavegowda vs ")		25-0-0.	
7.	Mis 90/28-29	(L.M.P. vs vs ")			
		Total.	Rs 132-0-0		Rs 32-0-0

73

1398/33.

R. O. C. Dis. No. 1210. 32-33.

HIGH COURT OF MYSORE,
Public Office Buildings, Cubbon Park,

Bangalore, 20th July *1933*

FROM

S. Venkata Ranga Iyengar, Esq., B.A., LL.M.,
Registrar, High Court of Mysore.

To

S.N. Appannaiengar, Esq., B.A., B.L.,
General Secretary to the Government of
His Highness the Maharaja of Mysore,
Bangalore.

BENCH SECRETARY
21 JULY 1933

SIR, No. P.290

Adverting to your letter No.P.290 dated the 15th July 1933 regarding the practice of assessing Advocate's fees in Land Acquisition proceedings in the District Courts and enquiring when a reply in the matter may be expected, I am directed to state that the question is under the consideration of the High Court and a reply will be sent in due course.

I have the honour to be,
Sir,
Your most obedient servant,

S. Venkata Ranga Iyengar

REGISTRAR.

VJC

Subj for perusal
Further report may be awaited
Issd 24/7.

24/7 Addl Accountant Gen.

Sec A 27/7/33 Sec 8/11/33

This should not have been allowed to linger for 4 months

8/11

Issue 8/11

TYPING SECTION
9. NOV. 1933
& REV SECTY.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. P 2172 Dated, Bangalore, 10th November 1933.

From

The *General Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Registrar,

High Court of Mysore, Bangalore.

Sir,

With reference to the correspondence ending with your letter No.1210/32-33, dated 21st July 1933 regarding the practice of assessing Advocate's fees in land acquisition proceedings in the District Courts, I am directed to enquire xxxxxxx when the final reply in the matter may be expected.

I have the honour to be,
Sir,
Your most obedient servant,

For General Secretary to Government.

Ags/2

G.R.S. App. F VI—G 2]

95

SUBJECT .....

.....

.....

Diary No. of letter replied to .....

General and Revenue Secretariat

( )

the *193* .

Date of issue 11/11/33.

Signed by .....

Section

File No.

Serial No.

Proceedings of the Government of His Highness the Maharaja of Mysore,

No P 2172

~~Read~~ To The Repr. H.E.H.

Sir,

With reference to the correspondence ending with your letter No 1210/32-33. Dated 21-7-1933 re the practice of assessing Advocate's fees in land Acqn proceedings in the Civil Courts, I am directed to enquire when the final reply in the ~~the Opinion of~~ matter may ~~this High Court may~~ be expected.

I have etc.

Sd/-

for General Secy

May this be—

(i) printed ?

(ii) treated as a standing order ?

(iii) published in the Gazette, English Part ?

(iv) translated ?

(v) placed at the disposal of the press ?

(vi) published in the Gazette, Kannada Part ?

~~Order thereon. No~~

S 999 83 76

No. A5.C. 589/31-32.

Enc 1

OFFICE OF THE DEPUTY COMMISSIONER
SHIMOGA DISTRICT.

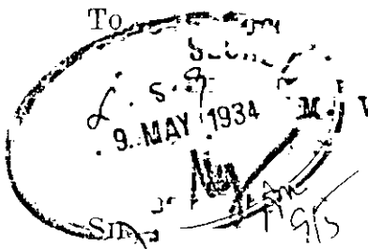
Dated Shimoga, May 7, 1934.

Law 41-32-20

FROM

T. V. A. ISVARAN, ESQ., B.A.,
Deputy Commissioner,
Shimoga District.

To



M. VENKATANARANAPPA, ESQ., B.A.,
Development Secretary to Government,
Bangalore.

Sir,

Subject:- Apportionment of fees due to Messrs. N. Seshasastri Ex-Public Prosecutor and B. Krishna Rao, the present Public Prosecutor for professional services rendered in certain Land Acquisition Cases. Mis.Case No. 17/30-31 on the file of the District Court, Shimoga Division - Khande Rao and others VS Land Acquisition Officer, Shimoga.

Ref G.O. Ms. 1015

I have the honour to state that in the above Land Acquisition Case relating to the Shimoga Town Municipality, the awards passed by the Land Acquisition Officer, having been appealed against by the several claimants in the District Court, Messrs. N. Seshasastri the Ex-Public Prosecutor and B. Krishna Rao, the present Public Prosecutor, were entrusted with the work of defending the awards on behalf of the Land Acquisition Officer, during their respective terms of office. On handing over charge to the present Public Prosecutor, Mr. N. Seshasastri submitted a bill, claiming a sum of Rs 300/- towards his fees in this case, calculating it at 5 % ad valorem on the aggregate sum claimed by the parties in the court. This bill along with certain of his other bills wherein he had claimed fees due to him in several other Land Acquisition Cases pending in several stages on the file of the District Court, was submitted to Government proposing the marginally noted apportionment of fees between the above two advocates based on the nature of work done by each of them as could be gauged from the order

Mr. N. Seshasastri.	Mr. B. Krishna Rao.
Rs 50/-	Rs 250/-

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order sheet of the court and the following apportionment of fees was sanctioned by Government in their order No. P. 3315-17/Law 41-32-10 dated 16-12-1932:--

Mr. N. Seshasastri.	Rs 30/-
Mr. B. Krishna Rao.	Rs 270/-

The President of the Municipality now writes in his letter No. 403/E dated 21-11-1933, that this case has since been disposed of in the District Court on 1-2-1933 and that from a perusal of the order of the District Court, it is seen that the application of the Claimants for award of higher compensation was dismissed with costs, for the reason that the parties failed to take any steps to maintain their claims in this case. He has further stated that in view of the fact that the award of the Land Acquisition Officer was upheld by the District Court, the payment of a sum of Rs 300/- towards the advocate's fees, is quite disproportionate to the sum of Rs 90/- awarded by the Land Acquisition Officer and that it requires revision in the light of the amount of fees assessed by the District Judge, which is only Rs 50/-. A copy of the order of the District Judge referred to above is also available for reference. Under the rules. the Lawyers' fees in miscellaneous cases of the kind cannot be based on the value of the claim put forward by the parties

In view of the fact that the above apportionment was sanctioned at a time when this case was still pending in the court, and that the work of the advocate has been pointed out to be nothing more than mere formal appearance, I find that there are circumstances calling for a reduction of the counsel's fees, to that of the amount assessed by the District Judge and that if the above view of the matter commends itself, I request that sanction of Government may be kindly obtained to revise the apportionment as suggested above.

I have the honour to be.
Sir,
Your most obedient servant,

Deputy Commissioner,
Shimoga District.

ks/1

Law 41-32-21

78

Proceedings of the Govt., of His Highness the Maharaja of Mysore.

R E A D:

G.O. No. P. 3315-17/Law. 41-32-10 dated 16th December 1932 sanctioning a fee of Rs.30 to Mr.N.Sesha Sastry, Ex-Public Prosecutor, Shimoga and Rs.270 to Mr.B.Krishna Rao, Public Prosecutor Shimoga for work done in Mis.17/30-31 on the file of the District Judge, Shimoga (Khande Rao & others Vs. Land Acquisition Officer).

2. Letter No.A_5.C.589/31-32 dated 7th May 1934 from the Deputy Commissioner, Shimoga, stating that the court has assessed a sum of R 17/30-31 on the file of the District Judge, Shimoga and requesting sanction of Government in the circumstances stated to revise the apportionment of fees originally sanctioned in the Government read above.

ORDER NO. P 5386-88 Law.

Dated Bangalore 25 May 1934.

Mis.17/30-31, a land acquisition case, in the District Court, Shimoga was being conducted by Mr.Seshasastri when he was the Public Prosecutor of Shimoga. At the time he handed over charge to Mr.B.Krishna Rao, this case was taken away from Mr.Seshasastri and he accordingly claimed fees for work done. The

P.T.O.

The fee claimed was Rs.300 on the advalorem basis. Since the major portion of the work in the case had still to be done at that time, Government sanctioned a fee of Rs.30 to Mr. Seshasastri and directed that the balance of Rs.270 may be paid to Mr.Krishna Rao as and when his bill was received after the disposal of the case.

It is now reported that the case was disposed of on 1-2-1933 and the advocate's fee as assessed by the Court is only Rs.50. treating the case as a miscellaneous one. If the Public Prosecutor was entitled to get fees on advalorem basis he ought to have moved the Court to assess the fee accordingly and got necessary orders in the matter. No such action was taken and the assessment made by the Court has now become final.

In the circumstances Government direct that in modification of the Government Order of 16th December 1932 read above, Mr.Krishna Rao, Public Prosecutor be allowed only a fee of Rs.20 being the balance available after payment of the fee of Rs.30 sanctioned to Mr.Seshasastri.

General Secretary to Government.

To

The Deputy Commissioner, Shimoga with enclosures to his letter dated 7-5-1934.
The Comptroller to Government.
The Public Prosecutor, Shimoga.

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS

THE MAHARAJA OF MYSORE.

*****:0:*****

Read :

Government Order No. P. 3315-17/Law 41-32-10 dated the 16th December 1932 sanctioning a fee of Rs. 30/- to Mr. N. Sesha Sastri, Ex-Public Prosecutor, Shimoga and Rs. 270/- to Mr. B. Krishna Rau, Public Prosecutor, Shimoga for work done in Mis. No. 17/30-31 on the file of the District Judge, Shimoga (Khande Rao and others Vs. Land Acquisition Officer).

2. Letter No. A5 C. 589/31-32 dated the 7th May 1934 from the Deputy Commissioner, Shimoga, stating that the Court has assessed a sum of Rs. 50/- only as Pleader's fee in Mis. No. 17/30-31 on the file of the District Judge, Shimoga and requesting sanction of Government in the circumstances stated to revise the apportionment of fees originally sanctioned in the Government Order read above.

Order No. PS 38 - 88 Law 41-32-2

Dated, Bangalore, 21st May 1934.

25

Mis. No. 17 of 30-31, a land acquisition case, in the District Court, Shimoga was being conducted by Mr. Sesha Sastri when he was the Public Prosecutor of Shimoga. At the time he handed over charge to Mr. B. Krishna Rao, this case was taken away from Mr. Sesha Sastri and he accordingly claimed fees for work done. The fee claimed was Rs. 300/- on the advolorem basis. Since the major portion of the work in the case had still to be done at that time, Government sanctioned a fee of Rs. 30/- to Mr. Sesha Sastri and directed that the balance of Rs. 270/- may be paid to Mr. Krishna Rao as and when his bill was received after the disposal of the case.

case.

It is now reported that the case was disposed of on the 1st February 1933 and the Advocate's fee as assessed by the Court is only Rs. 50/-, treating the case as a miscellaneous one. If the public Prosecutor was entitled to get fees on advalorem basis he ought to have moved the Court to assess the fee accordingly and got necessary orders in the matter. No such action was taken and the assessment made by the Court has now become final.

In the circumstances, Government direct that in modification of the Government Order of 16th December 1932 read above, Mr. Krishna Rao, Public Prosecutor be allowed only a fee of Rs. 20/- being the balance available after payment of the fee of Rs. 30/- sanctioned to Mr. Sesha Sastri.

Jr. General Secretary to Government.

To

The Deputy Commissioner, Shimoga District,
with enclosures to his letter dated 7-5-1934,

The Comptroller to Government,

The Public Prosecutor, Shimoga Division.

P.H. - 4

751 P 3548/2

R. O. C. No. 1210
Dis. 32.33

HIGH COURT OF MYSORE,
Public Office Buildings, Cubbon Park,

Bangalore, 3rd August 1934

Law 41-32-22

GENERAL SECRETARIAT - 4 AUG. 1934

From

S. Venkata Ranga Iyengar, Esq., B.A., LL.M.,
Registrar, High Court of Mysore.

To

S. Abdul Wajid, Esq., B.A.,
General Secretary to the Government
of Mysore, B A N G A L O R E.

Law Earl 15 Aug 4/8/34

Sir,

Adverting to the correspondence ending with your letter No.P.2172 dated 10th November 1933 enquiring whether it is true that ~~xxxxx~~ in the Shimoga District Judge's Court the advocate's fee in land acquisition proceedings is assessed in the memo of costs at a fixed sum not exceeding Rs.50/- whatever the amount of claim may be, and if so whether it is not desirable to have a uniform practice in all the three Divisions of the State, I am directed to state that it is ascertained that while in Shimoga Division a fixed sum not exceeding Rs.50/- is being awarded as advocate's fee in land acquisition cases on the ground that they are registered as miscellaneous cases, the practice in Bangalore and Mysore Divisions is to award a fee on the ad valorem basis; and in these circumstances, the High Court thinks it desirable and necessary to have a uniform practice in all the three Divisions in the State.

In our State though land acquisition cases are registered as Miscellaneous cases for statistical purposes as per Civil - Circular Letter No.252 dated 9th December 1920, they are mostly in the nature of Original Suits involving complicated questions for adjudication and as such it is deemed necessary that the fee should be assessed as in British India on ad valorem basis subject

to

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to certain limitations. Accordingly the High Court proposes to issue the enclosed amendment to Civil Rule of Practice No.91 dated 2-8-1897.

I am to request that Government sanction may kindly be accorded to the said draft at an early date.

I have the honour to be,
Sir,
Your most obedient servant,

S Venkatadanga Iyengar.

REGISTRAR.

IN THE HIGH COURT OF MYSORE AT BANGALORE.

Civil Side.

Addendum dated

In exercise of the powers conferred by Section 20 of the Legal Practitioners' Regulation, III of 1884, as amended from time to time, and with the approval of the Government of His Highness the Maharaja of Mysore, the High Court is pleased to issue the following addendum to Civil Rule of Practice No.91 dated 2nd August 1897, as amended from time to time, regulating the fees payable to advocates and pleaders :-

Delete the comma after the word "proceedings in line 4 of Rule 4 and insert the following between the said word "proceedings" and "the Court" :-"other than Land Acquisition Proceedings."

The following will be added as Rule 4 (a) :-

"In cases under the Land Acquisition Regulation the pleader's fee shall be calculated either on the amount of compensation granted by the Court in excess of the sum tendered by the Deputy Commissioner or on any smaller amount which the Court in its discretion may think proper; when the Court does not allow a higher sum than that tendered by the Deputy Commissioner, the pleader's fees may be awarded to Government on the difference between that sum and the sum claimed or any smaller amount which the Court in its discretion may think proper, subject in either case to a maximum fee of Rs.500/-.

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As between rival claimants in a land acquisition case, the fee shall be calculated as prescribed for regular suits."

S. Venkatadanga Iyengar
REGISTRAR.

G. R. S. App. F VI—G 2]

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SUBJECT.....

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Diary No. of letter replied to.....

Section Law

File No. 4132

Serial No. 23

General and Revenue Secretariat

( )

the *193* .

Proceedings of the Government of His Highness the Maharaja of Mysore.

Date of issue 22-8- 1934

Signed by Mr N. R. J.

Read—

Correspondence ending with the letter R.O.C. no. 1210/32-33 dated 3rd Aug 1934 from the Registrar H.Ct. of Mysore stating that it is ascertained that a fixed fee not exceeding Rs 50/- is being awarded in land acquisition Order thereon.—No. Case as advocate's fee in Shimoga Division and that the practice in Bl'ore and Mysore Divisions is to award a fee on ad valorem basis and passing out in the circumstances stated that the H.Ct. thinks it desirable to have a uniform practice

May this be—

(i) printed ?

(ii) treated as a standing order ?

(iii) published in the Gazette, English part ?

(iv) translated ?

(v) placed at the disposal of the press ?

(vi) published in the Gazette, kannada part ?

20/8/34

re 3 divisions and

soliciting sanction to rec

amendment proposed to civil rules of

practice no. 91 d 2.8.1897

order:- P 1047

Prospectus Rec (High Court)

The amendment hereto

appended is sanctioned approved.

ISD
13/8

Secy
13/8 — General Secretary

To

The Reg: H. Ct.

List of Enclosure

Copied by

Examined by

WD 0254—GPB—10,000—22-8-32

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

Read:-

Correspondence ending with the letter R.O.C.No.1210/ 32-33 dated 3rd August 1934, from the Registrar, High Court of Mysore, stating that it is ascertained that a fixed fee not exceeding Rs.50/- is being awarded in land acquisition cases as advocate's fee in Shimoga Division and that the practice in Bangalore and Mysore Divisions is to award a fee on advalorem basis and pointing out in the circumstances stated that the High Court thinks it desirable to have a uniform practice in all the 3 Divisions and soliciting sanction to the amendment proposed to Civil rule of practice No.91 dated 2nd August 1897.

ORDER NO. P 1044 Law 41-32-
Snc/

Dated, Bangalore, the 20th/22nd August 1934.

The amendment proposed by the High Court and herewith appended is approved.

Mysore

for General Secretary to Government.

The Registrar, High Court of Mysore, Bangalore.

K.".R.3/20.8.34.

IN THE HIGH COURT OF MYSORE AT BANGALORE.

CIVIL SIDE.

Addendum dated

In exercise of the powers conferred by Section 20 of the Legal Practitioners' Regulation, III of 1884, as amended from time to time, and with the approval of the Government of His Highness the Maharaja of Mysore, the High Court is pleased to issue the following addendum to Civil Rule of Practice No.91 dated 2nd August 1897, as amended from time to time, regulating the fees payable to advocates and pleaders :-

Delete the comma after the word "proceedings" in line 4 of Rule 4 and insert the following between the said word "proceedings" and "the Court" :- "other than Land Acquisition Proceedings."

The following will be added as Rule 4 (a) :-

"In cases under the Land Acquisition Regulation, the pleader's fee shall be calculated either on the amount of compensation granted by the Court in excess of the sum tendered by the Deputy Commissioner or on any smaller amount which the Court in its discretion may think proper; when the Court does not allow a higher sum than that tendered by the Deputy Commissioner, the pleader's fees may be awarded to Government on the difference between that sum and the sum claimed or any smaller amount which the Court in its discretion may think proper, subject in either case to a maximum fee of Rs.500/-.

As between rival claimants in a land acquisition case, the fee shall be calculated as prescribed for regular suits."